



## Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

### **\*AMENDED/APPENDED** **4:00 PM CLOSED SESSION AND** **6:00 PM REGULAR MEETING AGENDA**

**Tuesday, November 24, 2020**  
**4:00 PM**

**\*ITEMS AMENDED AND/OR APPENDED SINCE THE ORIGINAL PUBLICATION OF THIS AGENDA  
ARE IDENTIFIED BY AN ASTERISK (\*) HEREIN**

**District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.**

**DISTRICT BOARD OF DIRECTORS**

Nai Hsueh, Chair, District 5  
Tony Estremera, Vice Chair, District 6  
John L Varela, District 1  
Barbara Keegan, District 2  
Richard P. Santos, District 3  
Linda J. LeZotte, District 4  
Gary Kremen, District 7

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the Clerk of the Board at the Santa Clara Valley Water District Headquarters Building, 5700 Almaden Expressway, San Jose, CA 95118, at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to attend Board of Directors' meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

RICK L. CALLENDER, ESQ.  
Chief Executive Officer

MICHELE L KING, CMC  
Clerk of the Board  
(408) 265-2600  
Fax (408) 266-0271  
www.valleywater.org

**Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.**

**Santa Clara Valley Water District  
Board of Directors**

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Tuesday, November 24, 2020

4:00 PM

Teleconference Zoom Meeting

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**IMPORTANT NOTICES**

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 issued on March 17, 2020 that allows attendance by members of the Board of Directors, District staff, and the public to participate and conduct the meeting by teleconference, videoconference, or both.

Members of the public wishing to address the Board during a video conferenced meeting on an item not listed on the agenda, or any item listed on the agenda, should use the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Board Chair in the order requests are received and granted speaking access to address the Board.

Santa Clara Valley Water District (District), in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in District Board meetings to please contact the Clerk of the Board's office at (408) 630-2711, at least 3 business days before the scheduled District Board meeting to ensure that the District may assist you.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq. and has not been prepared with a view to informing an investment decision in any of Valley Water's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water's bonds, notes or other obligations and investors and potential investors should rely only on information filed by the District on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at <http://emmas.msrbo.org/> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter "Anonymous" or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

**Join Zoom Meeting:**

**<https://valleywater.zoom.us/j/94551991986>**

**Meeting ID: 945 5199 1986**

**Join by Phone:**

**1 (669) 900-9128, 94551991986#**

**1. CALL TO ORDER:**

1.1. Roll Call.

**2. TIME CERTAIN:**

**4:00 PM**

*Notice to the Public: The Board of Directors meets in Closed Session in accordance with the Ralph M. Brown Act. Following the conclusion of Closed Session discussion, the Board will return for the remaining items on the regular meeting agenda.*

- \*2.1. (ITEM REMOVED FROM AGENDA) [20-1102](#)  
CLOSED SESSION (Continued from November 10, 2020)  
CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION  
Pursuant to Government Code Section 54956.9(d)(4) - Six Potential  
Cases
- 2.2. CLOSED SESSION [20-1076](#)  
CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to Government Code Section 54957.6(a)  
Agency Designated Representatives: Rick Callender, Laura Harbert, Tina  
Yoke, Ingrid Bella  
Employee Organizations: Employees Association, Engineers Society,  
Professional Managers Association
- 2.3. CLOSED SESSION [20-1069](#)  
CONFERENCE WITH LEGAL COUNSEL  
Pursuant to Government Code Section 54957(a)  
THREAT TO PUBLIC SERVICES OR FACILITIES - Consultation with Alex  
Gordon, Assistant Officer

- 2.4. CLOSED SESSION  
PUBLIC EMPLOYEE EMPLOYMENT  
Pursuant to Government Code Section 54957(b)(1)  
Title: District Counsel

[20-1077](#)

**6:00 PM**

**Rejoin Zoom Meeting:**  
**<https://valleywater.zoom.us/j/94551991986>**  
**Meeting ID: 945 5199 1986**  
**Join by Phone:**  
**1 (669) 900-9128, 94551991986#**

- 2.5. District Counsel Report on Closed Session.
- 2.6. Pledge of Allegiance/National Anthem.
- 2.7. Orders of the Day.  
A. *Approximate Discussion Time (Board); and*  
B. *Adjustments to the Order of Agenda Items.*
- 2.8. Time Open for Public Comment on any Item not on the Agenda.  
*Notice to the public: Members of the public who wish to address the Board on any item not listed on the agenda should access the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Board Chair in order requests are received and granted speaking access to address the Board. Speakers comments should be limited to three minutes or as set by the Chair. The law does not permit Board action on, or extended discussion of, any item not on the agenda except under special circumstances. If Board action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Board may take action on any item of business appearing on the posted agenda.*

- 2.9. Receive Winter Preparedness Briefing.

[20-0982](#)

Recommendation: Receive information on the Santa Clara Valley Water District's preparedness for winter operations.

Manager: Alexander Gordon, 408-630-2637

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 15 Minutes

**3. CONSENT CALENDAR: (3.1 - 3.3) (Est. Time: 5 Minutes)**

*Notice to the public: There is no separate discussion of individual consent calendar items. Recommended actions are voted on in one motion. If an item is approved on the consent vote, the specific action recommended by staff is adopted. Items listed in this section of the agenda are considered to be routine by the Board, or delegated to the Board Appointed Officers (BAOs) yet required by law or contract to be Board approved (EL-7.10). Any item may be removed for separate consideration at the request of a Board member. Whenever a resolution is on the consent calendar, a roll call vote will be taken on the entire calendar. Members of the public wishing to address the Board on any consent items should complete a Speaker Card and present it to the Clerk of the Board.*

- 3.1. Consider Membership Nominations for Committee Appointments to the Environmental and Water Resources Committee, and the Safe, Clean Water Independent Monitoring Committee. [20-1066](#)

Recommendation: Consider Committee Membership Appointment Nominations to the Environmental and Water Resources Committee (EWRC), and the Safe, Clean Water Independent Monitoring Committee (SCW IMC).

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: SCVWD Resolution No. 17-75](#)  
[Attachment 2: Membership Application \(Mora Tejada\)](#)  
[Attachment 3: SCVWD Resolution 13-61](#)  
[Attachment 4: Membership Application \(Santos\)](#)  
[Attachment 5: Membership Application \(Tran\)](#)

- 3.2. Amendment to Employment Agreement Between Santa Clara Valley Water District and Stanly Yamamoto. [20-0971](#)

Recommendation: A. Adopt the RESOLUTION APPROVING AND ADOPTING NOVEMBER 24, 2020 AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN SANTA CLARA VALLEY WATER DISTRICT AND STANLY YAMAMOTO; and  
B. Authorize the Chair of the Board to execute November 24, 2020 Amendment to Employment Agreement Between Santa Clara Valley Water District and Stanly Yamamoto.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Resolution](#)  
[Attachment 2: Amendment to Employment Agreement](#)

\*3.3. Accept the CEO Bulletin for the Weeks of November 6-19, 2020.

[20-1062](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 111920 CEO Bulletin](#)

## **REGULAR AGENDA:**

### **4. BOARD OF DIRECTORS:**

4.1. Discuss Establishment of a Board Budget Committee.

[20-1067](#)

Recommendation: Support 2020 Board Chair Hsueh's Recommendation to Not Establish a Board Budget Committee.

Manager: Michele King, 408-630-2711

Est. Staff Time: 5 Minutes

4.2. Discuss Board of Directors Governance Policy Governance Process GP-5.3, Election of Board Chair and Board Vice Chair.

[20-1070](#)

Recommendation: A. Discuss Board of Directors Governance Policy Governance Process GP-5.3, Election Board Chair and Board Vice Chair; and  
B. If necessary, make changes as identified.

Manager: Michele King, 408-630-2711

Est. Staff Time: 5 Minutes

- \*4.3. Consider the Board Ethics and Conduct Ad Hoc Committee [20-1078](#)  
Recommendations to Approve Amendments to Board of Directors  
Governance Policies GP-6.11.1 and GP-6.11.2, Complaints by Board  
Members Against Board Members, and GP-6.19.1 and GP-6.19.2,  
Complaints from Non-Board Members.

Recommendation:

- A. Discuss Proposed Amendments to Board of Directors  
Governance Policies GP 6.11.1 and GP-6.11.2,  
Complaints by Board Members Against Board Members,  
and GP-6.19.1 and GP-6.19.2, Complaints from  
Non-Board Members; and
- B. Approve the proposed amendments to GP-6.11.1 and  
GP-6.11.2, and GP-6.19.1 and GP-6.19.2.

Manager: Stan T. Yamamoto, 408-630-2755

Attachments: [Attachment 1: GP-6.11.1, 6.11.2, 6.19.1, 6.19.2](#)

Est. Staff Time: 5 Minutes

- \*4.4. Planning for the Year 2021-22 Board Strategic Planning Meeting [20-1034](#)  
(PREVIOUSLY LISTED AS ITEM 4.3).

Recommendation: Discuss and provide input to shape the agenda and process for  
the Board Strategic Planning Meeting for Fiscal Year 2021-22  
(FY22).

Manager: Rick Callender, 408-630-2017

Est. Staff Time: 5 Minutes

- \*4.5. Review Fiscal Year 2021 Board Policy Planning Calendar (PREVIOUSLY [20-1074](#)  
LISTED AS ITEM 4.4).

Recommendation: Review, discuss and revise the Fiscal Year 2021 Board Policy  
Planning Calendar.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: FY21 Board Calendar](#)

Est. Staff Time: 5 Minutes

\*4.6. Board Committee Reports (PREVIOUSLY LISTED AS ITEM 4.5). [20-1075](#)

Attachments: [\\*Handout 4.6-A: 102120 BAC Summary](#)  
[\\*Handout 4.6-B: 110920 WSEC Summary](#)  
[\\*Handout 4.6-C: 110920 CIP Summary](#)  
[\\*Handout 4.6-D: 112020 RWC Agenda](#)  
[\\*Handout 4.6-E: 112320 BPPC Agenda](#)  
[\\*Handout 4.6-F: 120220 IMC Agenda](#)

\*4.7. Proposed Future Board Member Agenda Items (PREVIOUSLY LISTED AS ITEM 4.6).

**5. WATER UTILITY ENTERPRISE:**

5.1. Overview of the FY 2021-22 Groundwater Production Charge Setting Process and Review of 10-Year Water Rate Projection Assumptions. [20-1020](#)

Recommendation: A. Receive an overview of the Fiscal Year 2021-22 Groundwater Production Charge setting process; and  
B. Review and provide feedback on the 10-year Water Rate Projection Assumptions.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: PowerPoint](#)  
[Attachment 2: SCVWD Resolution 99-21](#)  
[Attachment 3: SCVWD Resolution 12-10](#)  
[Attachment 4: April 2019 Memo From Vice Chair Hsueh](#)  
[Attachment 5: Research of Feasible Revenue Alternatives](#)

Est. Staff Time: 15 Minutes

**6. WATERSHEDS:**

**7. ASSISTANT CHIEF EXECUTIVE OFFICER:**

**8. EXTERNAL AFFAIRS:**

8.1. Office of Civic Engagement Annual Board Update 2020. [20-0935](#)

Recommendation: Receive information and updates on the programs and activities in the Office of Civic Engagement.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 10 Minutes

**9. CHIEF EXECUTIVE OFFICER:**



\*9.1. CEO and Chiefs' Report.

[20-1096](#)

Attachments: [\\*Handout 9.1-A: Office of Government Relations Update](#)  
[\\*Handout 9.1-B: Election Results](#)

**10. ADMINISTRATION:**

**11. DISTRICT COUNSEL:**

**12. ADJOURN:**

12.1. Board Member Reports/Announcements.

12.2. Clerk Review and Clarification of Board Requests.

12.3. Adjourn to Regular Meeting at 1:00 p.m., on December 8, 2020, to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20.



# Santa Clara Valley Water District

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**File No.:** 20-1102

**Agenda Date:** 11/24/2020  
**Item No.:** \*2.1.

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## **NON-EXHIBIT/CLOSED SESSION ITEM**

**SUBJECT:**

(ITEM REMOVED FROM AGENDA)

CLOSED SESSION (Continued from November 10, 2020)

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Pursuant to Government Code Section 54956.9(d)(4) - Six Potential Cases

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# Santa Clara Valley Water District

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**File No.:** 20-1076

**Agenda Date:** 11/24/2020  
**Item No.:** 2.2.

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## **NON-EXHIBIT/CLOSED SESSION ITEM**

### **SUBJECT:**

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6(a)

Agency Designated Representatives: Rick Callender, Laura Harbert, Tina Yoke, Ingrid Bella

Employee Organizations: Employees Association, Engineers Society, Professional Managers Association

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# Santa Clara Valley Water District

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**File No.:** 20-1069

**Agenda Date:** 11/24/2020  
**Item No.:** 2.3.

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## **NON-EXHIBIT/CLOSED SESSION ITEM**

**SUBJECT:**

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL

Pursuant to Government Code Section 54957(a)

THREAT TO PUBLIC SERVICES OR FACILITIES - Consultation with Alex Gordon, Assistant Officer

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# Santa Clara Valley Water District

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**File No.:** 20-1077

**Agenda Date:** 11/24/2020  
**Item No.:** 2.4.

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**NON-EXHIBIT/CLOSED SESSION ITEM**

**SUBJECT:**  
CLOSED SESSION  
PUBLIC EMPLOYEE EMPLOYMENT  
Pursuant to Government Code Section 54957(b)(1)  
Title: District Counsel



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# Santa Clara Valley Water District

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**File No.:** 20-0982

**Agenda Date:** 11/24/2020  
**Item No.:** 2.9.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Receive Winter Preparedness Briefing.

### **RECOMMENDATION:**

Receive information on the Santa Clara Valley Water District's preparedness for winter operations.

### **SUMMARY:**

As the agency authorized to provide local flood protection, Santa Clara Valley Water District (Valley Water) works diligently to protect Santa Clara Valley residents and businesses from the devastating effects of flooding. Since the early 1980s, Valley Water and its partners have invested approximately \$960 million in flood protection programs, including constructing major flood protection projects. About 150,000 parcels were prone to flooding back in the 1950's and about 50,000 parcels remain at some risk of flooding today.

This report provides information regarding various measures Valley Water has taken to prepare for the Winter season. Specifically, it includes information on the following:

- Weather Forecast
- Board Natural Flood Protection Ends Policies
- Emergency Action Planning
- Monitoring and Flood Forecasting
- Reservoir Management
- Real-time Information, Alerts and Warnings
- Valley Water, Countywide and Regional Emergency Management Systems
- Valley Water Field Response Actions and Capabilities
- Storm Ready Certification

## **Background**

### Winter Hazards

Winter brings an additional set of seasonal hazards that threaten both watersheds and water utility operations. Severe and/or extended precipitation can overwhelm engineered and natural channels and has the potential to damage Valley Water flood protection infrastructure. The resulting flooding can prompt municipalities to initiate evacuations and sheltering and disrupt transportation. Severe storms can also bring high winds and cause land movement that have the potential to impact power, communication and water utility infrastructure.

#### Weather Forecast

National Weather Service (NWS) [seasonal weather models <https://iri.columbia.edu/our-expertise/climate/forecasts/enso/current/?enso\\_tab=enso-sst\\_table>](https://iri.columbia.edu/our-expertise/climate/forecasts/enso/current/?enso_tab=enso-sst_table) predict about an 80% chance of La Niña and about a 20% chance of neutral El Niño Southern Oscillation conditions occurring this 2020/2021 fall-winter season. Current expectations are below normal precipitation during the core of winter for Santa Clara County.

NWS meteorologists will also be watching how the Arctic Oscillation (AO) and Madden-Julian Oscillation (MJO) fluctuate through the winter season. These, and other, seasonal and intra-seasonal oscillations could bring swings in precipitation amounts, fluctuating snow levels, and/or atmospheric rivers. Medium range forecast capabilities will help to distinguish these events with as much lead time as 10-14 days, though the details may not be worked out until within a few days of any given event. Keep in mind that a season with below normal rainfall can still produce flooding, especially if much of the rainfall occurs over a short period of time.

Near-term weather forecasts enable Valley Water to anticipate the location and intensity of rainfall to better mobilize response efforts. Valley Water receives weather forecasts from multiple sources, including meteorology consultants and the NWS. Using this data, Valley Water staff makes decisions for flood fighting and for reservoir operations.

#### Board Natural Flood Protection Ends Policies

Valley Water Board of Directors has established Natural Flood Protection (NFP) Goals 3.1 and 3.2 to provide flood protection for residents, businesses and visitors; and to reduce the potential for flood damages. These goals establish the following five natural flood protection objectives:

- Protect parcels from flooding by applying an integrated watershed management approach that balances environmental quality and protection from flooding (Objective 3.1.1)
- Preserve flood conveyance capacity and structural integrity of stream banks, while minimizing impacts on the environment and protecting habitat values. (Objective 3.1.2)
- Promote the preservation of flood plain functions (Objective 3.2.1)
- Reduce flood risks through public engagement (Objective 3.2.2)
- Prepare and respond effectively to flood emergencies countywide to protect life and property (Objective 3.2.3)

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This memorandum describes how Valley Water staff is working to achieve each of these objectives.

1. Protect Parcels from Flooding (3.1.1)

Valley Water's Watersheds Design and Construction Division plans, manages, and implements capital improvements to comply with the Board's Ends Policy to protect parcels from flooding. A total of 17 flood protection projects are underway in Fiscal Year 2020-2021 with a total FY21 budget of \$76.8 million. Nine of these projects are Safe, Clean Water projects and eight are funded by property taxes. All have the primary objective of providing natural flood protection for residents, businesses and visitors. As specified in the 5-year Capital Improvement Program, approximately 25,500 parcels will be protected and/or eligible for removal from the flood hazard zone when these projects are completed.

2. Preserve Flood Conveyance Capacity (3.1.2)

Valley Water's Watersheds Operations and Maintenance Division (Watersheds O&M) performs sediment removal, levee inspection and maintenance, debris removal, vegetation management, and erosion protection and repairs to comply with the Board's Ends Policy to preserve flood conveyance capacity. Watersheds O&M work that has been accomplished in 2020 through Valley Water's Stream Maintenance Program includes the following:

- Removal of 43,314\* cubic yards of sediment (estimated)
- About 4,179\* linear feet of bank stabilization (estimated)
- Completion of 1,016\* acres of in-stream vegetation control over 161\* miles of streams

\*Work still in progress. Quantities estimated through 10/20/20.

Valley Water staff continues to receive calls from throughout the county to service problematic trees plagued by disease or die off associated with the recent drought. Field crews continue to selectively reposition or remove fallen trees that could potentially block flows in local creeks or cause other hazards. Staff is also coordinating with owners of properties where trees have been reported as a potential issue and could pose additional blockage threats in local creeks.

3. Promote the preservation of flood plain functions (3.2.1)

Valley Water preserves floodplain functionality and other watershed assets and interests from external land-use activities by promoting streamside setbacks through implementation and enforcement of Valley Water's Water Resources Protection Ordinance and by participating on municipal General Plan update committees, and by reviewing and commenting on development proposals.

Valley Water Community Projects Review Unit issues encroachment permits that regulate the third-party use of Valley Water lands adjacent to local waterways and acts on enforcement cases. Additionally, Valley Water annually reviews environmental documents and plans for projects outside Valley Water right-of-way to promote Valley Water's water resource interests. Through these

processes, Valley Water advocates for development setbacks and site layouts that strive to maximize protection of stream and riparian corridors and floodplain function.

4. Reduce flood risks through public engagement (3.2.2)

The National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. As a result, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions meeting the three CRS goals:

- reduce flood damage to insurable property;
- strengthen and support the insurance aspects of the NFIP; and
- encourage a comprehensive approach to floodplain management.

Valley Water is not a participant in the NFIP; however, Valley Water can participate in the CRS program as a fictitious community which allows local municipalities to receive credits for Valley Water activities, thereby reducing flood insurance premiums for the community. CRS activities Valley Water carries out are verified by the Insurance Services Office, Inc. (ISO) who works on behalf of the Federal Emergency Management Agency (FEMA). Verified credits are then claimed by the participating CRS communities in Santa Clara County where those activities apply. This simplifies FEMA's CRS bookkeeping and avoids duplicating efforts. Currently, Valley Water receives CRS points for our outreach program, mapping of flood risks, open space preservation in floodplains, and maintenance and management of our creeks. In Santa Clara County, discount on flood insurance premiums between 10% to 20% are earned through the CRS program.

The Santa Clara County CRS Users Group, consisting of Valley Water and participating CRS communities, was formed in 2013. The Users Group has proven to be very useful for discussion of activities that earn CRS points, allows for dialogue of ongoing flood risk reduction efforts and related topics among all cities in the county, and serves as an information sharing platform.

### Flood Awareness Campaign and Community Outreach

This winter, Valley Water will deliver multilingual flood preparedness messages throughout Santa Clara County, focusing on flood-prone areas and targeting ethnic communities that are lagging on flood awareness. We will conduct outreach to "hot spots" by providing additional materials for community organizations to share with the public.

The campaign features the slogan GET FLOOD READY supported by three key messages:

1. Find out if you live in a flood zone.

2. Get Prepared.
3. Get Insured - both as a renter or a homeowner.

The call to action is for residents and business owners to visit [www.valleywater.org/floodready](http://www.valleywater.org/floodready) to locate their address in the FEMA SFHA, obtain information on creating a family emergency plan and kit, download alert apps, get flood insurance information, and identify sandbag locations.

## FLOOD MAILER

In early December, we will distribute our multilingual floodplain mailer to nearly 50,000 homes and businesses in or near flood-prone areas. The piece features nine tips for flood preparedness, a floodplain manager phone directory by city, as well as a magnet with websites for the FEMA SFHA map, National Flood Insurance Program, and Valley Water's flood ready site. The mailer is written in English, Spanish, Vietnamese, and Chinese.

## FLOOD AWARENESS MEDIA/DIGITAL CAMPAIGN

Our annual advertising campaign will launch in December 2020 and continue through the end of February 2021, or longer if the winter is particularly wet. The campaign features multilingual social media videos and postings, digital banners, newspaper advertorials, radio, and television/mobile ads targeted by area and language. There is an emphasis on reaching the Latino and Chinese communities, for which polling shows a lag on flood awareness.

## GOVERNMENT RELATIONS

This fall, we will collaborate with elected officials in several cities within the county to distribute digital flood-preparation materials, which they can pass on to their constituents. These flood-prone areas include parts of South County in Morgan Hill and Gilroy, Sunnyvale, Palo Alto and Mountain View along the shoreline, as well as vulnerable areas in San Jose. We will also distribute our materials and share digitally with local cities for distributions at potential community events.

## CIVIC ENGAGEMENT AND EDUCATION OUTREACH

Education Outreach will include flood awareness and preparedness messaging during winter season virtual visits to schools in flood-prone areas. Materials available for teachers include the "Prepare with Pedro Disaster Preparedness Activity Book" and "Prepárate con Pedro Libro de

Actividades de Preparación para Casos de Desastre”, created by FEMA in partnership with the American Red Cross. Education Outreach will also offer the “I Am Ready” and “Soy Listo” Flood Preparedness Activity Books, created by the US Army Corps of Engineers.

## EMERGENCY ALERT APPS

Through our outreach, we are also promoting Santa Clara County’s AlertSCC emergency notification system and the ReadySCC app. AlertSCC is a free, easy, and confidential way for anyone who lives or works in Santa Clara County to get emergency warnings sent directly to their cell phone, mobile device, e-mail, or landline. It is one of the most effective ways for local jurisdictions to communicate flood hazards and evacuation orders, but it requires residents to opt into the system. The ReadySCC App allows residents to prepare a family emergency plan with five simple questions, send status updates to contacts, receive advisories and alerts via push notifications, and includes a detailed guide with step-by-step instructions for creating an emergency kit.

## EMERGENCY TOTES & KITS

This year, Valley Water has partnered with Second Harvest Food Bank to hand out 4,600 emergency tote bags to the public. The tote bags have a list of items printed on the outside of the bag to assist the public with preparing for a flood event.

Valley Water will also be providing 300 emergency tote bags to the CRS Coordinators at County of Santa Clara cities, along with American Red Cross emergency contact cards and postcard promotional material for ReadySCC.

Additionally, Valley Water will continue to provide emergency kits to the public through our community partners. The emergency kit distribution is continued from last year and includes essential supplies, such as a hand-operated flashlight, mylar blanket, rain poncho, safety whistle, gloves, and glow stick. While these kits are basic, they serve as encouragement for residents to begin preparedness on a larger scale.

## VALLEY WATER WEBSITE, NEWSLETTER, AND SOCIAL MEDIA CHANNELS

Valley Water’s website serves as a one-stop-shop for flood-related information, including how to register for emergency updates, flood safety tips and information on sandbag sites, stream and reservoir gauges in the county. The website also prominently displays Valley Water’s Flood Watch Tool. Social media and online publications through our news website, valleywaternews.org, will continue to be utilized to provide registered recipients with timely and immediate flood-hazard

messages.

#### 5. Prepare and Respond Effectively to Flood Emergencies (3.2.3)

Despite all the proactive efforts to remove parcels from flood hazard zones, maintain channel conveyance capacities and floodplain function, and engage the public with flood awareness and safety messages, floods still can and do occur.

Flood emergency preparedness entails the combined efforts of many units at Valley Water, notably Emergency Services and Security, Field Operations, Water Supply Operations and Planning, Hydrology Hydraulics and Geomorphology, Communications, Government Relations, the Clerk of the Board Office as well as other units. Valley Water staff perform field emergency response and recovery activities, while others fulfill positions in the Departmental Operation Centers (DOCs) and Emergency Operations Center (EOC). Other staff are key components to the preparedness planning for flood emergencies.

To ensure the best possible state of readiness to address flooding when it does occur, Valley Water maintains tools, processes, trained staff and interagency relationships that enable coordinated field response and public information.

#### Emergency Action Planning

Emergency Action Plans (EAPs) are documents that identify potential emergency conditions at facilities, such as creeks or dams, and specifies actions to minimize loss of life and property damage. These documents include:

- Actions, in coordination with emergency management authorities, to respond to incidents or emergencies
- Warning and notification messages for responsible downstream emergency management authorities
- Inundation maps to help emergency management authorities identify critical infrastructure and population-at-risk sites
- Roles and responsibilities between responding agencies

The EAPs for dams are created following the Federal Emergency Management Agency guidelines for emergency action planning (FEMA Publication No. P-64). The Anderson Dam EAP also incorporates the guidance of the Federal Energy Regulatory Commission (Chapter 6 Emergency Action Plans of the Engineering Guidelines for the Evaluation of Hydropower Projects), with Anderson being an energy producing facility.

The EAPs for creeks have been built in coordination with the affected jurisdictions where flooding may occur. The Joint EAP with the City of San Jose includes Coyote, Guadalupe, Ross and Canoas Creeks. EAPs for West Little Llagas Creek and Uvas Creek were developed in coordination with the cities of Gilroy and Morgan Hill. Valley Water also developed an EAP for San



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Francisquito Creek, which was done in coordination with the City of Palo Alto and the San Francisquito Creek Joint Powers Authority. A new EAP for West Valley Watersheds Creeks is in the final stages of approval and was developed in coordination with City of Santa Clara and City of San Jose.

### Monitoring and Flood Forecasting

Valley Water evaluates forecasts of incoming weather systems based on weather reports received from multiple partners, including the National Weather Service (NWS), paid weather consultants, and partnerships with San Jose State University's Meteorology Department. In addition to standard weather reports, detailed quantitative precipitation forecasts (QPFs) are obtained from these sources to get a picture of a storm event. These QPFs include details such as the amount, duration, location, and timing of storm patterns.

For real-time monitoring, as the rain and flood events unfold, Valley Water operates more than 100 precipitation, reservoir level, and stream gauges. All of Valley Water's stream and rain gauges are regularly maintained and calibrated. Valley Water also hosts an "X-band" radar unit on the rooftop of the Penitencia Water Treatment Plant. The unit is part of the Bay area AQPI (Advanced Quantitative Precipitation Information) system. This short range and lower elevation radar supplements our existing rainfall gauge system, and more importantly, provides more precise radar data to the NWS for analysis and forecast products.

In addition, under Valley Water's Safe, Clean Water Program Priority C Project, Emergency Response Upgrades Project, Valley Water is running an experimental flood forecast and warning system, using automated hydrologic and hydraulic models to determine creek runoff and expected reservoir levels. The models ingest data from both the QPFs and monitoring sensors mentioned earlier. Valley Water also partners with the California-Nevada River Forecast Center (CNRFC), who forecasts several creeks in our jurisdiction. Combined, both the Valley Water's and CNRFC's flood forecasting provides intelligence to decision makers, emergency responders, and the general public.

### Reservoir Management

Valley Water operates 10 surface water reservoirs throughout the county. The reservoirs are operated as water supply facilities that capture and store water for groundwater recharge or in-lieu groundwater recharge activities. All of the reservoirs, except Vasona, are operated to rule curves that provide guidance on when to make releases from the reservoirs. When the storage in the reservoir exceeds the rule curve, the volume of water above the rule curve may be released.

Currently, all of the reservoirs, except Vasona, Uvas, and Calero have incidental flood risk reduction rule curves that maintain a balance between the reservoir's primary purpose of water supply and the incidental benefit of flood risk reduction. Vasona is a small reservoir and does not have any rule curves. Uvas Reservoir does not have an incidental flood risk reduction rule curve because its natural resource permitting provides for pulse flow events. Calero Reservoir has a seismic restriction of approximately 45 percent (45%) of capacity from the Division of Safety of

Dams, and is not presently operated with an incidental flood risk reduction rule curve. The incidental flood risk reduction rule curves maximize the water supply benefit and can reduce the flood risk with a high probability of the water being recovered by the end of the season. There are additional rules for five reservoirs for not exceeding their seismic restrictions, which can also provide incidental flood risk reduction.

Anderson-Coyote Reservoir system operation: On February 20, 2020, The Federal Energy Regulatory Commission (FERC) issued a directive to start drawing down Anderson Reservoir to water surface elevation 488 feet no later than October 1, 2020. The FERC order limits storage to a deadpool of a little less than 3,000 acre-feet, which constitutes about three percent (3%) of the reservoir's full capacity. This restriction guarantees additional storage buffer in the reservoir, thus a much reduced chance of spilling.

Lexington Reservoir operation: In February 2019, the Board directed staff to re -operate Lexington Reservoir with a temporary rule curve of approximately 73% of capacity to significantly reduce the flood risk to the community along Guadalupe River - Tasman Drive to Interstate 880. This temporary flood risk reduction rule curve can impact water supply, and a methodology was developed to comply with the District Act and State Law regarding the use of a facility funded by groundwater charges. Unless the Board directs otherwise, Valley Water will continue to operate Lexington Reservoir at the 73% rule curve during the 2020-2021 storm season and during subsequent years until the Guadalupe River - Tasman Drive to Interstate 880 Project is implemented.

#### Real-time Information, Alerts and Warnings

Valley Water provides precipitation and stream gauge data to the public via multiple websites, such as the flood watch [website <https://gis.valleywater.org/SCVWDFloodWatch/>](https://gis.valleywater.org/SCVWDFloodWatch/) that utilizes a user-friendly interactive map to allow residents to monitor levels in their own neighborhoods. We coordinate regularly with the National Weather Service, as well as local jurisdictions during storm events to share information about potential floods.

Valley Water's website provides access to reservoir levels, precipitation data, stream flow, and flood-safety measures. Valley Water promotes the County's emergency alert system [AlertSCC <https://www.sccgov.org/sites/alertscc/Pages/home.aspx>](https://www.sccgov.org/sites/alertscc/Pages/home.aspx) as well as the [ReadySCC <http://appshopper.com/reference/readyscc-santa-clara-county>](http://appshopper.com/reference/readyscc-santa-clara-county).

#### Valley Water, Countywide and Regional Emergency Management Systems

Valley Water maintains facilities, equipment, procedures, trained staff and inter-agency relationships that enable it to respond to floods and other emergencies. Valley Water emergency management facilities include its Countywide Emergency Operations Center (EOC) and Water Utility/Watersheds Departmental Operations Centers (DOCs). Valley Water maintains a dedicated, primary EOC that is equipped with both high and low-tech communication and information storage and display technologies to allow the EOC functions to perform under all hazard scenarios. EOC equipment is regularly inventoried, maintained and tested to ensure readiness. Valley Water DOC facilities are equipped for emergencies that can be handled within departmental resources and capabilities.

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Position-specific checklists are available within the EOC to help guide EOC staff in the performance of their Standardized Emergency Management System (SEMS) response functions.

Valley Water EOC response staff have participated in multiple training as well as internal and multi-agency exercises. Training and exercises are designed and utilized to develop, learn, and test response capabilities under various hazard scenarios. The table below are some examples of past and future training/exercises for Valley Water EOC response staff. Also included in this table are the recent EOC Activations, which act as valuable trainings during real-life events that identify best practices and opportunities for improvement:

Multiple Sessions	EOC Trainings - ICS/EOC Interface, EOC Management and Operations, EOC Action Planning
Multiple Sessions	Satellite Phone Training and Testing
October 2019	EOC Activations for PG&E Public Safety Power Shutoffs (PSPS)
January 2020	Joint EAP Tabletop Exercise with City of San Jose
March 2020	EOC Activation for COVID-19 Pandemic (EOC still activated)
October 2020	Anderson Dam Operational Impact Contingency Planning Workshop
December 2020	All Dam Call Down Drill
June 2021	Anderson Dam Functional Exercise for Federal Energy Regulatory Commission Requirement

The training opportunities allow for EOC response staff to become more familiar with their roles and build comfort in the tools and processes they will be expected to utilize during emergencies. This has proved true during other recent emergencies such as the PG&E PSPS events, the COVID-19 Pandemic, and wildfires. The real-life experiences as well as the exercise opportunities enabled staff to practice and identify areas of improvement for the operational coordination, operational communication, situational awareness, public information and warning, and infrastructure system core capabilities as defined by the National Response Framework.

Each Fall, Valley Water's Emergency Services and Security Unit hosts a multi-jurisdictional Winter Preparedness Workshop. This year's event was held on October 28, 2020 and conducted virtually through Zoom due to the current pandemic emergency. Attendees include emergency managers and public works representatives from our cities, the County, and other local and state agencies. Valley Water staff reviewed the following topics during the workshop:

- Valley Water Reservoir Operations
- Emergency Services
- Flood Forecast & Warning System
- Public Information
- Sandbag Operations

- Watershed Field Operations

The National Weather Service also provided the winter season outlook regarding the probability of seasonal precipitation, temperatures, and other environmental aspects.

In addition to the Winter Preparedness Workshop, Valley Water emergency management staff, senior executives and elected officials foster strong interagency emergency preparedness relationships by participating in several important groups including the Santa Clara County Emergency Managers Association, the Santa Clara County Operational Area Signatories, and the Santa Clara County Emergency Operational Area Council.

#### Valley Water Field Response Actions and Capabilities

In preparation for a possible flood event Valley Water can mobilize a field response that:

- maintains a watersheds 24/7 hotline;
- deploys Field Information Teams (FIT); and
- maintains a list of known flooding hotspots to expedite on-site arrival of resources and crews that can remove blockages when safe to do so, deploy sandbags and perform other functions to maximize flood conveyance capacity during a storm.

Valley Water provides filled sandbags at 5 sites (Valley Water's Winfield site, Palo Alto Airport site, City of San Jose Central Yard, Alviso site, and Morgan Hill site) throughout Santa Clara County. Typically for winter seasons with average rainfall forecasts, Valley Water stocks 20,000 filled sandbags at these locations by mid-October, restocking those sites as needed. In the event, the availability of filled sandbags cannot meet the demand, Valley Water will supply empty bags and sand at those locations.

Additionally, Valley Water provides empty sandbags to municipal and county public works departments to stock an additional 19 sites around the County. Empty sandbags are offered to county public works agencies beginning October 1.

Maps of sandbag locations have been prepared in conjunction with other entities. The site locations are provided through the following link:

<https://www.valleywater.org/floodready/sandbags>.

Valley Water currently has 390,000 empty sandbags and 410 cubic yards of sand in storage.

#### Storm Ready Certification

As a result of Valley Water's efforts to protect parcels from flooding, preserve flood conveyance capacity, engage the public to reduce flood risks, and maintain capabilities to respond to storm and

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flood events, Valley Water continues to be recognized by the NWS as Storm Ready. Valley Water has submitted its recertification application in October 2020 and is awaiting approval from NWS.

**FINANCIAL IMPACT:**

There is no financial impact associated with receiving a briefing on winter preparedness.

**CEQA:**

Receiving a briefing on winter preparedness is not subject to the requirements of CEQA.

**ATTACHMENTS:**

Attachment 1: PowerPoint

**UNCLASSIFIED MANAGER:**

Alexander Gordon, 408-630-2637



# Winter Preparedness Briefing

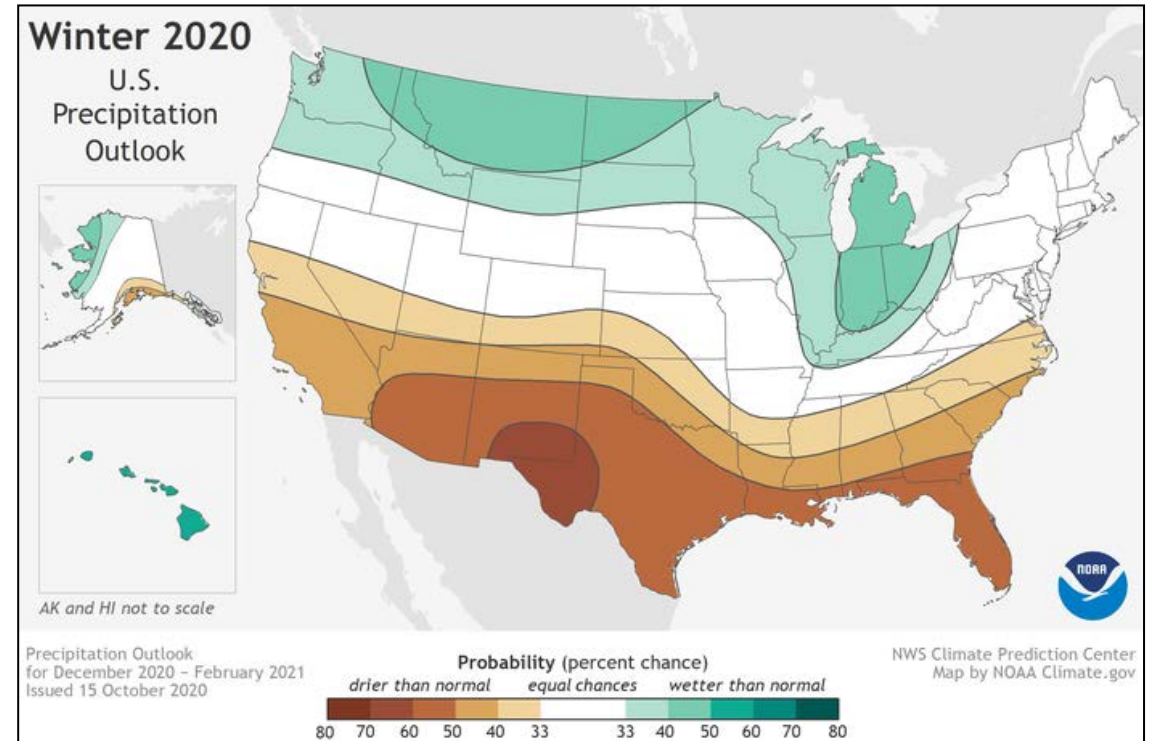
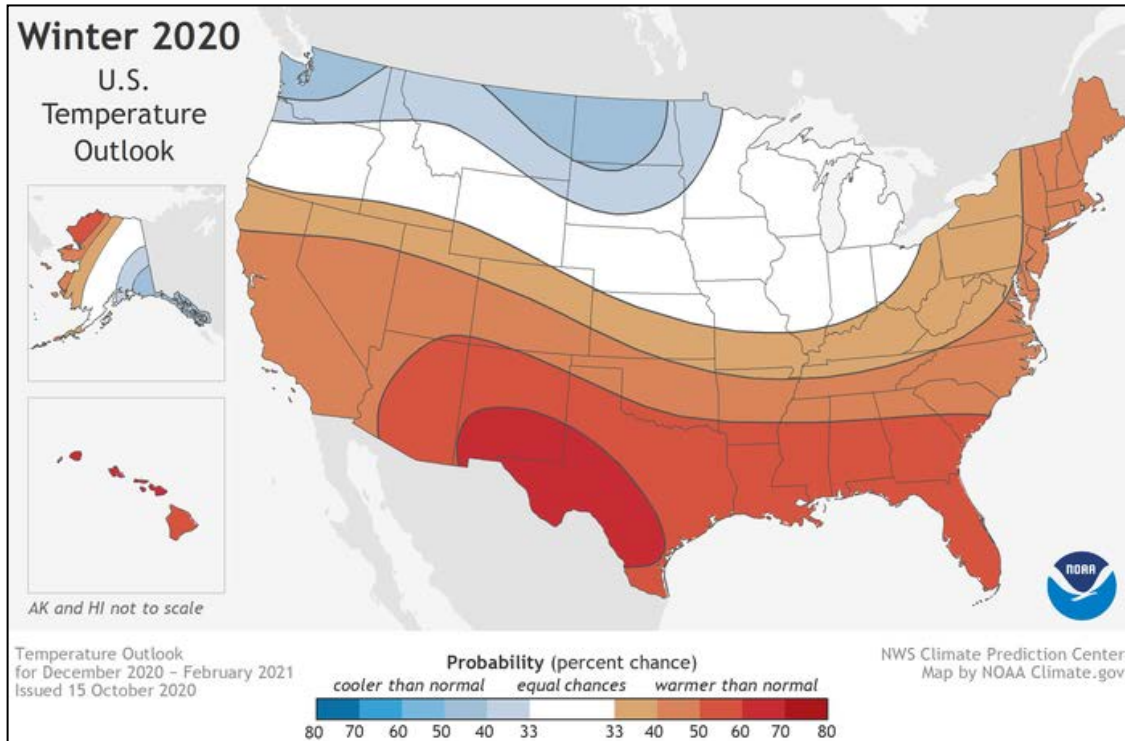
Presented by: Alexander Gordon, Emergency Services and Security Manager

# Today's Discussion

- **Weather Forecast**
- **Protect Parcels From Flooding**
- **Preserve Flood Conveyance Capacity**
- **Reduce Risk Through Public Engagement**
- **Prepare and Respond Effectively to Flood Emergencies**
  - Monitoring and Flood Forecasting
  - Valley Water Emergency Management
  - Field Operations

# National Weather Service – Weather Forecast

3



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# Protect Parcels from Flooding

## CIP accomplishments

- \$960 million in capital improvements
- Approx. 100,000 parcels removed from flood-prone areas



## Current projects

- \$76.8 million FY21 budget
- 17 flood protection projects
- 25,500 parcels to be protected/removed from flood-prone areas

# Preserve Flood Conveyance Capacity

## Sediment Removal

43,314 cubic yards of sediment removed

(2020 Estimates as of 10/20/20)

## Stevens Creek U/S Crittenden



Before



After

# Preserve Flood Conveyance Capacity

## Vegetation Management

1,016 acres of in-stream vegetation control (2020 Est. as of 10/20/20)



Removal of Select Vegetation on Guadalupe River

# Reduce Flood Risk Through Public Engagement

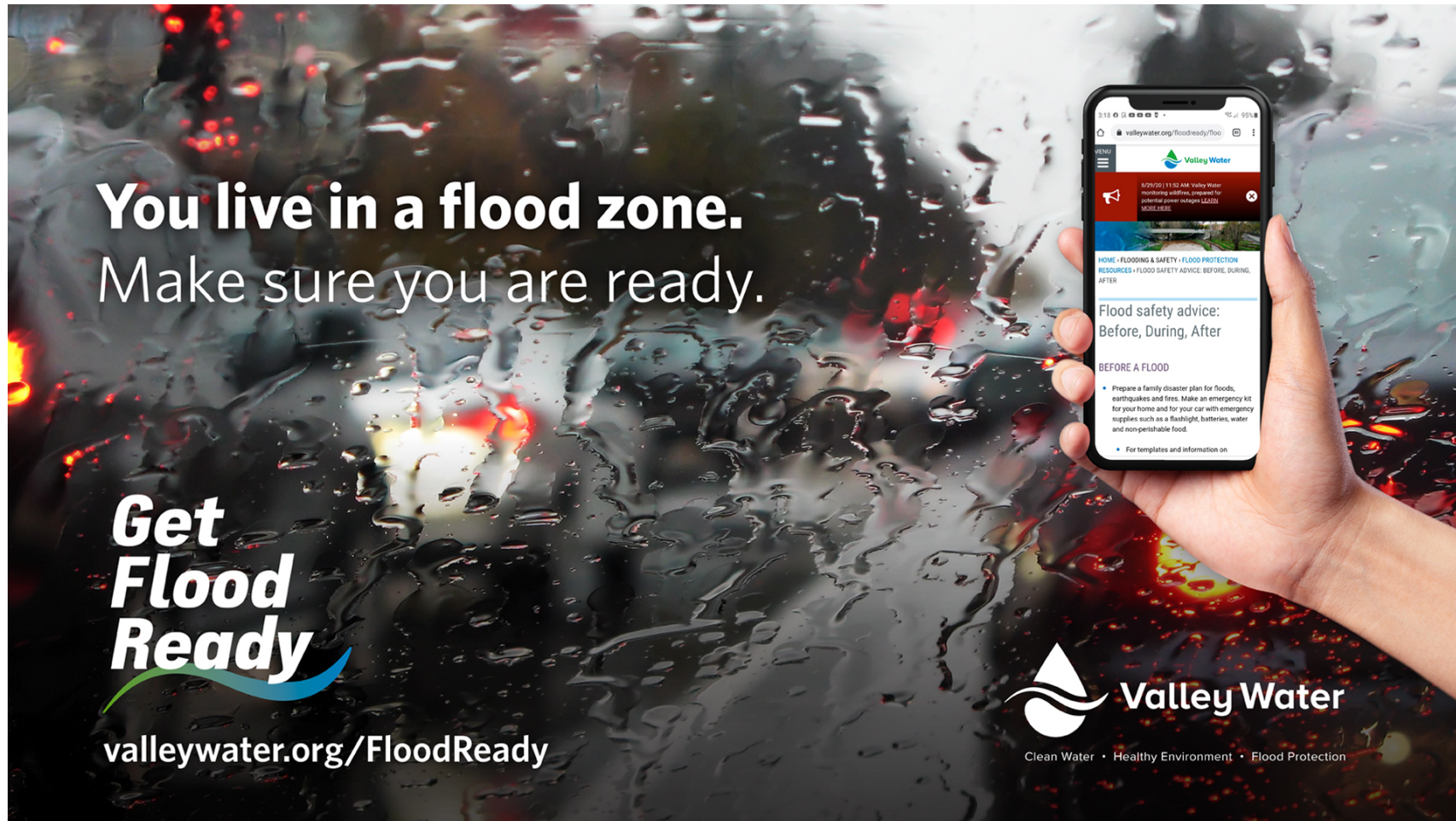
**You live in a flood zone.  
Make sure you are ready.**

**Get  
Flood  
Ready**

[valleywater.org/FloodReady](http://valleywater.org/FloodReady)

**Valley Water**  
Clean Water • Healthy Environment • Flood Protection

# GET FLOOD READY – Find your Risk



**You live in a flood zone.  
Make sure you are ready.**

**Get  
Flood  
Ready**

[valleywater.org/FloodReady](http://valleywater.org/FloodReady)

**Valley Water**  
Clean Water • Healthy Environment • Flood Protection

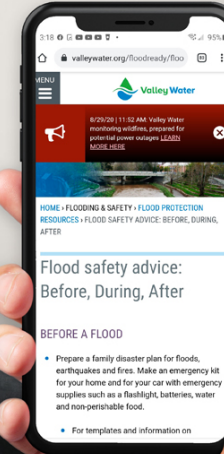
The smartphone screen displays the following content:  
- URL: valleywater.org/floodready/floo  
- Valley Water logo  
- Alert: 11/20/2021 11:32 AM Valley Water monitoring stations, impaired for potential power outages LEADS  
- Navigation: HOME • FLOODING & SAFETY • FLOOD PROTECTION  
- Resources: RESOURCES • FLOOD SAFETY ADVICE: BEFORE, DURING, AFTER  
- Section: Flood safety advice: Before, During, After  
- Sub-section: BEFORE A FLOOD  
- List item: Prepare a family disaster plan for floods, earthquakes and fires. Make an emergency kit for your home and for your car with emergency supplies such as a flashlight, batteries, water and non-perishable food.  
- Link: For templates and information on

# GET FLOOD READY - Get Insured

**You live in a flood zone.**  
Make sure you are ready.

**Get  
Flood  
Ready**

[valleywater.org/FloodReady](http://valleywater.org/FloodReady)



# Flood Awareness Mailer Magnet



Digital Banners

Social Media

Newspapers

Radio

Television

On-demand videos

**Do you live in a flood zone?**  
Make sure you are ready.

[LEARN MORE](#)

**Get  
Flood  
Ready**



Valley Water

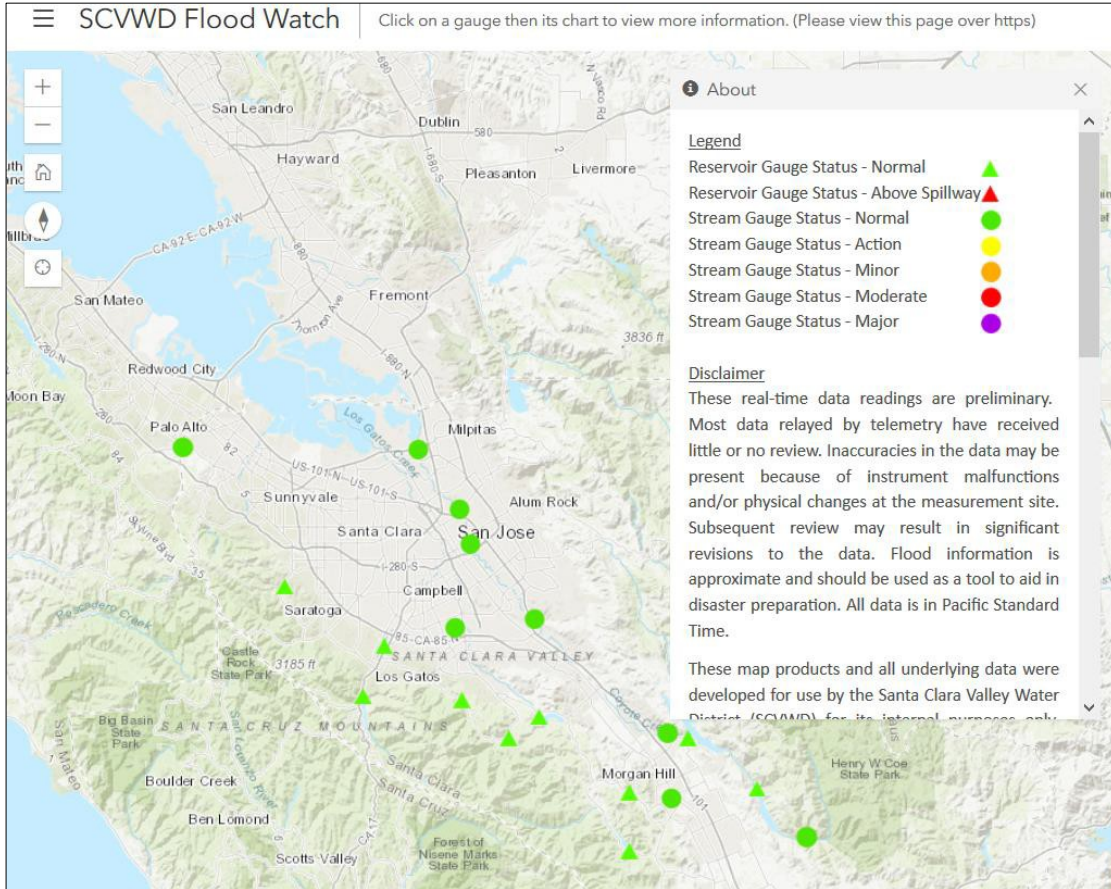




# Prepare and Respond Effectively to Flood Emergencies

- Monitoring and flood forecasting
- Valley Water Emergency Management
- Field Operations

# Monitoring and Flood Forecasting



Madrone stream gauge at Coyote Creek



Flood stage gauge at East William Street



X-band radar on Penitencia Water Treatment Plant rooftop

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# Valley Water Emergency Management

- EOC and DOCs
- Interagency Coordination
- SEMS/NIMS
- National Framework
- Emergency Action Plans (EAP) for Flooding and Dams
- Emergency Operations Plan
- EOC Responder Handbook
- Annual Winter Preparedness Workshop
- EOC Personnel Training
- EOC, EAP, and Interagency Exercises

# Field Operations



- Reservoir Operations
- Watersheds 24/7 Hotline
- Blockage Removal
- Field Information Teams



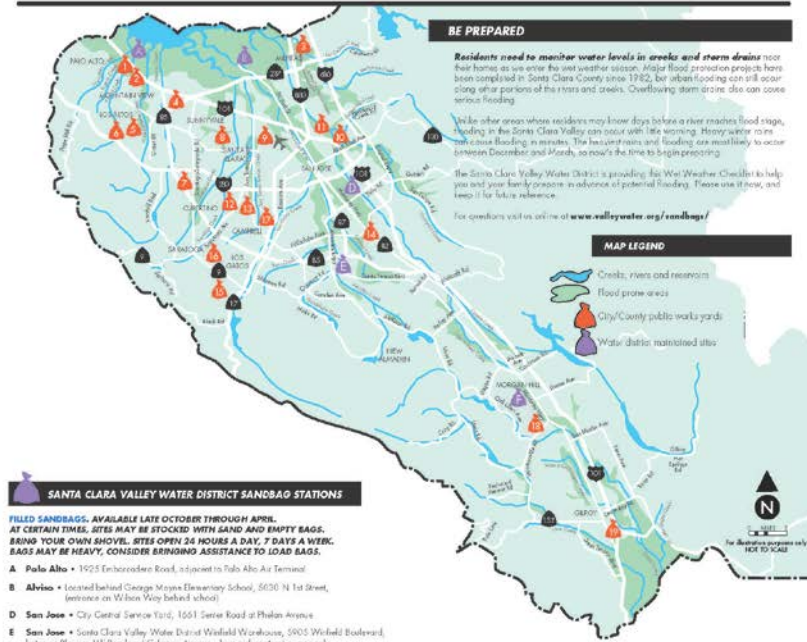
valleywater.org

# Sandbags

5 Valley Water Sites

19 additional sites throughout County

## Be FloodSafe with sandbags



### SANTA CLARA VALLEY WATER DISTRICT SANDBAG STATIONS

- FILLED SANDBAGS. AVAILABLE LATE OCTOBER THROUGH APRIL. AT CERTAIN TIMES, SITES MAY BE STOCKED WITH SAND AND EMPTY BAGS. BRING YOUR OWN SHOVEL. SITES OPEN 24 HOURS A DAY, 7 DAYS A WEEK. BAGS MAY BE HEAVY, CONSIDER BRINGING ASSISTANCE TO LOAD BAGS.**
- A Palo Alto** • 1925 Embroidered Road, adjacent to Palo Alto Air Terminal
  - B Alviso** • Located behind George Meyer Elementary School, 6630 N 1st Street, (entrance on Wilson Way behind school)
  - D San Jose** • City Central Service Yard, 1651 Service Road at Phelan Avenue
  - E San Jose** • Santa Clara Valley Water District Wildfield Warehouse, 5905 Wildfield Boulevard, between Blosser Hill Road and Colerain Avenue – bag pickup street access only
  - F Morgan Hill** • El Toro Fire Station, 18306 Old Monterey Road, next to the Union Pacific Railroad overpass above Monterey Highway

### OTHER SOURCES OF UNFILLED SANDBAGS

- UNFILLED SANDBAGS. BRING YOUR OWN SHOVEL. EMPTY BAGS SUPPLIED BY THE WATER DISTRICT. CONSIDER BRINGING ASSISTANCE TO FILL AND LOAD BAGS. PROOF OF RESIDENCY MAY BE REQUIRED AT SOME SITES. CHECK INDIVIDUAL SITES FOR OPERATING HOURS.**
- 1 Palo Alto** • Mitchell Park, 603 E. Meadow Drive near baseball field. Bags and sand available all day. (650) 496-6974, after hours: (650) 322-2413
  - 2 Palo Alto** • Renaissance Park Tennis Court Parking lot (at intersection of Hopkins Avenue and Newell Road). (650) 496-6974, after hours: (650) 322-2413
  - 3 Milpitas** • Hill Meadows Park (golfing lot), at Hill/Paradise Street. Additional bags located at the Sports Center at 1225 E. Calaveras Blvd. (408) 586-2555, after hours: (408) 586-2400. BCIH sites will have sand and bags 24/7.
  - 4 Mountain View** • Public Services, 211 N. Whittman Ave. Located at Whittman Rd. and Clardy Ave. (650) 909-6329, after hours: (650) 909-6355. Bags and sand available all day at parking lot.
  - 5 Los Altos** • Municipal Service Center, 707 Fremont Ave. at McKersie Park parking lot. Bags and sand available all day. (650) 947-2786, after hours: (650) 947-2770
  - 6 Los Altos Hills** • Corporation Yard, 22200 Pinnacole Rd. at the Little League Field. (650) 941-7222, Mon-Fri 8:00 a.m. – 4:00 p.m. Baskets only.
  - 7 Cupertino** • City Corporation Yard, 10555 Mary Ave. Bags and sand available all day. (408) 777-3269, Mon-Fri 8 a.m. – 3:30 p.m., after hours: County Communications (408) 299-2507
  - 8 Sunnyvale** • Corporation Yard, 221 Commercial St. at end of California Street. Bags and sand available all day. (408) 730-7900, Mon-Fri 7:30 a.m. – 4:00 p.m., after hours: (408) 730-7180
  - 9 Santa Clara** • City Corporation Yard, 1700 Walsh Ave. (408) 615-2480, after hours: (408) 615-6640. Available 8 a.m. – 4 p.m. inside gate (Must call first). Sandbags available year round.
  - 10 San Jose** • City Midway Yard, 1404 Midway Road (off H), sand and empty bags are provided
  - 11 San Jose** • County Est. Yard, 1302 Schellbourne Rd. (Ave. 44), 7:30 a.m. – 3 p.m. (408) 494-2750, after hours: County Communications (408) 299-2507
  - 12 San Jose** • County West Yard, 11030 Doyle Rd., bags and sand available anytime outside gate. (408) 366-3100, after hours: County Communications (408) 299-2507
  - 13 San Jose** • City West Yard, 5000 Winans Road, filled sandbags available anytime outside gate. (408) 349-3100
  - 14 San Jose** • City South Yard, 4420 Monterey Rd. at Skyway Drive, filled sandbags available anytime outside gate. (408) 794-8525
  - 15 Los Gatos/Monte Sereno** • 41 Main Avenue at Bolser Field parking lot (Monte Sereno residents pick up at Los Gatos side), bags and sand available anytime at lot. (408) 395-0770, after hours: (408) 354-8500
  - 16 Saratoga** • Corporation Yard, 19700 Alvarado Ave., near Post Office, bags and sand available anytime outside gate. (650) 568-1245, after hours: County Communications (650) 299-2507
  - 17 Campbell** • City Corporation Yard, 290 South Dillon Ave., (408) 866-2145, Mon-Fri 7 a.m. – 3:30 p.m.
  - 18 Morgan Hill** • City Corporation Yard, 101 Eden Ct., Mon-Fri 8 a.m. – 5 p.m., open all day, bags and sand available anytime outside gate. (408) 779-7713, after hours: (408) 779-2101
  - 19 Gilroy** • City of Gilroy Corporation Yard, 613 CH Gilroy Street, bags and sand available anytime in front of the corporation yard. (408) 846-0451, after hours: (408) 846-0350. (Best site)

### BE PREPARED

Residents need to monitor water levels in creeks and storm drains near their homes as we enter the wet weather season. Major flood protection projects have been completed in Santa Clara County since 1992, but additional work will occur along other portions of the rivers and creeks. Overflowing storm drains also can cause serious flooding.

Unlike other areas whose residents may know days before a river reaches flood stage, flooding in the Santa Clara Valley can occur with little warning. Heavy winter rains, with some flooding in minutes. The heaviest rains and flooding are most likely to occur between December and March, so now's the time to begin preparing.

The Santa Clara Valley Water District is providing the Wet Weather Checklist to help you and your family prepare in advance of potential flooding. Please use it now, and keep it for future reference.

For questions visit us online at [www.valleywater.org/sandbags/](http://www.valleywater.org/sandbags/)

### MAP LEGEND

- Creeks, rivers and reservoirs
- Flood-prone areas
- City/County public works yards
- Water/drainage maintained sites

### WET WEATHER CHECKLIST

- Flood Insurance** Renters, homeowners and business owners can purchase flood insurance from the National Flood Insurance Program by calling 1-888-374-9031. (Private coverage does not cover flooding.) Be advised there is typically a 30-day waiting period before your policy goes into effect.
- Flood-Prone?** Check whether your home is in a FEMA designated flood zone by entering your address on the FEMA Flood Map Service Center at: <https://msc.fema.gov/>
- Elderly/Disabled** Alert neighbors to any special needs that family members have due to age or disability. It is often they're home alone during a flood. Make a list with key contact numbers, doctor's name, any special medications.
- Family Contacts** Post family emergency numbers by each phone and see that all family members carry a card with these numbers in their wallet, backpack or stored in their mobile phone. Pick a "check-in contact" for family to phone, preferably outside the Bay Area or out of state.
- Inventory** Update your list of personal belongings. Show all vital documents in a safe deposit box or on a second floor.
- Meeting Place** Pick a safe location near your home where family members can meet if they become separated and a second location in high ground outside your neighborhood in case of floods.
- Pets** Put identification tags on all pets. In case gates blow open or fences blow down. Even taking your phone and address to their collar will last for weeks. Wet fur increases the chill factor, so do not leave pets outside or tied up during a storm – prepare a place to take them.
- Radio** Keep extra batteries and a battery-powered radio on hand. Tape a list of local news radio stations to it that report Santa Clara County road and weather conditions.
- Roofs/Gutters** Make sure your roof, windows, eave gutters and drainage system can handle heavy rain. Tarp or seal unspliced pipes.
- Sandbags** Visit the Santa Clara Valley Water District's sandbag website at [www.valleywater.org/sandbags/](http://www.valleywater.org/sandbags/) to find out about free sandbags and how to use them.
- Storage** Prepare to store valuables on higher shelves or on a second story. Move items to furniture as high as possible, as well as garden and pool supplies.
- Storm Drains** Keep the surface of storm drains clear of items near your home free of leaves and other debris.
- Vehicle/RV's** Prepare to move vehicles, RVs and boats to higher ground.

# FloodSAFE: Sandbag Guidelines for Homeowners



Early preparation can help prevent flood damage.

La preparación temprana puede ayudar a prevenir el daño de las inundaciones.



# QUESTIONS



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# Santa Clara Valley Water District

File No.: 20-1066

Agenda Date: 11/24/2020  
Item No.: 3.1.

## BOARD AGENDA MEMORANDUM

### SUBJECT:

Consider Membership Nominations for Committee Appointments to the Environmental and Water Resources Committee, and the Safe, Clean Water Independent Monitoring Committee.

### RECOMMENDATION:

Consider Committee Membership Appointment Nominations to the Environmental and Water Resources Committee (EWRC), and the Safe, Clean Water Independent Monitoring Committee (SCW IMC).

### SUMMARY:

In accordance with Board Governance Process Policy - 8, Board Committees are established to assist the Board with policy advice, District Mission implementation, respective expertise, and, very importantly, to help produce the link between the District and the community.

The following committee member nominations are submitted for Board appointment consideration in accordance with Board Resolution 17-75 and Resolution 13-61, Providing for and Defining the Structure and Function of Board Committees (Attachments 1 and 3). Respective committee applications for new nominees are included as (Attachment 2, 4, and 5).

Applicant Name	Nominating Director	Nomination (2-year term)	Membership Category	Board Action: New Appointment
Diego Mora Tejeda	Director Estremera	EWRC	District 6	New Appointment
Rolane Santos	Director Santos	SCW IMC	District 3	New Appointment
Applicant Name	Nominating Director	Nomination (3-year term)	Membership Category	Board Action: New Appointment
Huy Tran	Director Santos	SCW IMC	District 3	New Appointment

### FINANCIAL IMPACT:

There is no financial impact for appointing committee members.



**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonable foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

- Attachment 1: SCVWD Resolution No. 17-75
- Attachment 2: Membership Application (Mora)
- Attachment 3: SCVWD Resolution No. 13-61
- Attachment 4: Membership Application (Santos)
- Attachment 5: Membership Application (Tran)

**UNCLASSIFIED MANAGER:**

Michele King, 408-630-2711

**BOARD OF DIRECTORS  
SANTA CLARA VALLEY WATER  
DISTRICT**

**RESOLUTION 17- 75  
PROVIDING FOR AND DEFINING THE STRUCTURE AND FUNCTION OF  
ADVISORY COMMITTEES TO THE SANTA CLARA VALLEY WATER DISTRICT  
BOARD OF DIRECTORS AND REPEALING RESOLUTION 15-28**

BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Water District as follows:

There have been established as advisory to the Santa Clara Valley Water District (District) Board of Directors (Board), in accordance with the District Act, the following committees (hereafter "Committees"), which shall continue in accordance with the provisions of this resolution:

1. Agricultural Water Advisory Committee (established by the District Act, which states ". . . The Board shall create an advisory committee consisting of farmers to represent users of agricultural water.");
2. Environmental and Water Resources Committee;
3. Santa Clara Valley Water Commission; and
4. Santa Clara Valley Water District Youth Commission.

**1. PURPOSE**

1.1 This resolution sets forth the purpose, activities, and membership guidelines of the Committees.

1.2 The Committees are established to assist the Board with policy review and development, provide comment on activities in the implementation of the District's mission for Board consideration, and to identify Board-related issues pertaining to the following:

1.2.1 **Agricultural Water Advisory Committee:** agricultural water supply and use and groundwater production charges.

1.2.2 **Environmental and Water Resources Committee:** water supply, flood protection, and environmental stewardship.

1.2.3 **Santa Clara Valley Water Commission:** water supply, flood protection, and environmental stewardship.

1.2.4 **Santa Clara Valley Water District Youth Commission:** public policy, education, outreach, and all matters impacting the Santa Clara County youth and the water district.

**PROVIDING FOR AND DEFINING THE STRUCTURE AND FUNCTION OF  
ADVISORY COMMITTEES TO THE SANTA CLARA VALLEY WATER DISTRICT  
BOARD OF DIRECTORS AND REPEALING RESOLUTION 15-28**

RESOLUTION 17- 75

- 1.3 In accordance with Governance Process Policy-8, the specific duties of the Committees are to:
  - 1.3.1 Provide input on policy alternatives for Board deliberation.
  - 1.3.2 Provide comment on the activities in the implementation of the District's mission for Board consideration.
  - 1.3.3 Produce and present to the Board an Annual Accomplishments Report summarizing the outcomes of the Committee's annual Board-approved work plan.
  - 1.3.4 Further, in accordance with Governance Process Policy-3, when requested by the Board, the Advisory Committees may help the Board produce the link between the District and the public through information sharing to the communities they represent.
- 1.4 In carrying out these duties, the Committee members bring to the District their respective expertise and the interests of the communities they represent.

**2. MEMBERSHIP**

- 2.1 Committee membership shall consist of the following:

**Agricultural Water Advisory Committee**

- 2.1.1 The Agricultural Water Advisory Committee shall be comprised of 16 members who are farmers and reside or do business, as determined by the Board, within Santa Clara County.
- 2.1.2 The Agricultural Water Advisory Committee shall also be comprised of one member who owns a private well (non-retail) within Santa Clara County.
- 2.1.3 Each Director may nominate up to two farmers who reside and/or farm within the nominating Director's district. In the event that a Director is unable to nominate a farmer from his/her district, the Director may nominate a farmer from anywhere within Santa Clara County.
- 2.1.4 The Loma Prieta Resource Conservation District and the Santa Clara County Farm Bureau may each nominate one representative for appointment as long as the nominee is a farmer who resides or does business, as determined by the Board, within Santa Clara County.
- 2.1.5 The Agricultural Water Advisory Committee does not have alternate members.

**Environmental and Water Resources Committee**

- 2.1.6 Effective July 1, 2015, the Environmental and Water Resources Committee shall be comprised of 21 At-Large members, who reside or do business, as determined by the Board, within Santa Clara County.
- 2.1.7 Effective July 1, 2015, each Director may nominate up to three at-large members.

**Santa Clara Valley Water Commission**

- 2.1.8 The Santa Clara Valley Water Commission shall be comprised of 18 elected representatives: one from each City and Town in Santa Clara County, the County of Santa Clara, the Santa Clara County Open Space Authority, and the Midpeninsula Regional Open Space District. Each elected representative may have at least one alternate who may be another elected official or staff person from the same jurisdiction.
- 2.1.9 All municipal representatives and alternates to the Santa Clara Valley Water Commission shall be appointed by their perspective agency.

**Santa Clara Valley Water District Youth Commission**

- 2.1.10 The Santa Clara Valley Water District Youth Commission shall be comprised of 21 Board-appointed members who reside and attend high school in Santa Clara County.
- 2.1.11 Each Director may nominate up to three at-large members of the Santa Clara Valley Water District Youth Commission.
- 2.2 Members and alternates (where applicable) of the Agricultural Water Advisory Committee, Environmental and Water Resources Committee, and Santa Clara Valley Water Commission serve a two-year renewable term that begins upon appointment, or January 1 if a renewed appointment, and expires on December 31 of the year following appointment. Term of office for Committee members and alternates who are appointed mid-year shall begin upon appointment and run through December 31 of the year following appointment.
- 2.3 Members of the Santa Clara Valley Water District Youth Commission serve a two-year renewable term that begins upon appointment, or September 1 if a renewed appointment, and expires on August 31 of the year following appointment. Term of office for Committee members and alternates who are appointed mid-term shall begin upon appointment and run through August 31 of the year following appointment.
- 2.4 Board appointed Committee members shall be held over until they are reappointed or successors are appointed by the Board.
- 2.5 Municipal appointed Committee members shall be held over until they are reappointed or successors are appointed by the County of Santa Clara and each City and Town therein.

**PROVIDING FOR AND DEFINING THE STRUCTURE AND FUNCTION OF  
ADVISORY COMMITTEES TO THE SANTA CLARA VALLEY WATER DISTRICT  
BOARD OF DIRECTORS AND REPEALING RESOLUTION 15-28**

RESOLUTION 17- 75

- 2.6 Board member nominee appointments to Committees shall be subject to a majority vote of a quorum of the Board.
- 2.7 Following two or more consecutive unexcused absences, the Board may choose to remove a Board appointee. An unexcused absence is defined as failure to notify the District at least 48 hours in advance that the member will not attend the meeting.
- 2.8 Nothing in this resolution affects the eligibility of any current member of any Committee to serve out his or her current term, as long as the member continues to meet the eligibility criteria in effect when he or she was appointed to the Committee.

**3. OFFICERS AND DUTIES**

- 3.1 The officers of each Committee shall be a Chairperson and Vice-Chairperson, both of whom shall be members of that Committee. The Chairperson and Vice-Chairperson shall be elected by the Committee.
- 3.2 The term of the Chairperson and Vice-Chairperson of the Agricultural Water Advisory Committee, Environmental and Water Resources Committee, and Santa Clara Valley Water Commission is one year commencing on January 1 and ending on December 31 and for no more than two consecutive terms. The Agricultural Water Advisory Committee, Environmental and Water Resources Committee, and Santa Clara Valley Water Commission shall elect their officers at the first meeting of the calendar year. All officers shall hold over in their respective offices after their term of office has expired until their successors have been elected and have assumed office.
- 3.3 The term of the Chairperson and Vice-Chairperson for the Santa Clara Valley Water District Youth Commission shall commence on September 1 and end on August 31 of the following year. However, the term of the first Chairperson and Vice-Chairperson of the Santa Clara Valley Water District Youth Commission will commence at the Santa Clara Valley Water District Youth Commission's first meeting and end on August 31 of the following year.
- 3.4 The Chairperson of each Committee shall have the following authority and duties:
  - (a) Preside at all meetings of the Committee;
  - (b) Facilitate productive meetings in accordance with posted Agenda and the Ralph M. Brown Act (open meeting law);
  - (c) Add items to the committee agenda;
  - (d) Invite speakers for any agenda item;
  - (e) Manage speaker time limits;

Attachment 1

**PROVIDING FOR AND DEFINING THE STRUCTURE AND FUNCTION OF  
ADVISORY COMMITTEES TO THE SANTA CLARA VALLEY WATER DISTRICT  
BOARD OF DIRECTORS AND REPEALING RESOLUTION 15-28**

RESOLUTION 17- 75

- (f) Facilitate communication of committee comments, requests, and recommendations to the Board of Directors;
  - (g) Report to the committee on decisions of the Board of Directors which impact the committee's activities; and
  - (h) Perform other such duties as the Committee may prescribe consistent with the purpose of the Committee.
- 3.5 The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In case of the unexpected vacancy of the Chairperson, the Vice-Chairperson shall perform such duties as are imposed upon the Chairperson until such time as a new Chairperson is elected by the Committee.
- 3.6 Should the office of Chairperson or Vice-Chairperson become vacant during the term of such office, the Committee shall elect a successor from its membership at the earliest meeting at which such election would be practicable and such election shall be for the unexpired term of such office.
- 3.7 Should the Chairperson and Vice-Chairperson know in advance that they will both be absent from a meeting, the Chair may appoint a Chairperson Pro-tempore to preside over that meeting. In the event of an unanticipated absence of both the Chairperson and Vice-Chairperson, the Committee may elect a Chairperson Pro-tempore to preside over the meeting in their absence.

**4. MEETINGS**

- 4.1 Meetings of the Committees shall be open and public and called in accordance with the Ralph M. Brown Act, Government Code Sections 54950 and following. Such meetings shall be held at the District Headquarters or such other place and time within Santa Clara County as the Board may designate.
- 4.2 Special meetings may be called by the Board and conducted in accordance with Section 54956 of the Government Code.
- 4.3 Committees shall convene four times per year or more often, as authorized by the Board, except for the Agricultural Water Advisory Committee, which shall convene at least once a year, or more often, as authorized by the Board.
- 4.4 The Board approves and sets all Committee annual work plans and meeting agendas. Committee meeting agendas will be considered pre-approved by the Board once it has approved each of the annual Advisory Committee work plans. Modifications to meeting agendas will be considered by the Board, or Board Chair, as needed, through a review of the pre-approved work plans when it receives and considers Committee policy recommendations, comments, and requests, staff recommended modifications, and requests by members of the public. The Board may also initiate modifications to pre-approved work plans at any time.

Attachment 1

**PROVIDING FOR AND DEFINING THE STRUCTURE AND FUNCTION OF  
ADVISORY COMMITTEES TO THE SANTA CLARA VALLEY WATER DISTRICT  
BOARD OF DIRECTORS AND REPEALING RESOLUTION 15-28**

RESOLUTION 17- 75

- 4.5 Notices of each meeting, together with an agenda, the draft minutes of the preceding meeting, and supporting meeting materials, shall be provided to the Committee members no less than ten business days in advance.
- 4.6 Any Committee meeting in which all items on the Agenda are informational, excluding the approval of meeting minutes, will be cancelled and notification sent from the Clerk of the Board at least ten days prior to the scheduled meeting date.
- 4.7 A majority of the appointed members of the Committee or their alternates is required to constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. If the Clerk of the Board, or his/her designated representative (Clerk), has been notified at least two business days in advance of a scheduled meeting that a quorum will not be present, the Clerk will cancel the meeting and notice the membership of the cancellation.
- 4.8 In the event that a Committee meeting is cancelled due to the lack of a quorum, upon concurrence of the Committee Chair and the Board Representative, the Committee meeting may be re-scheduled or re-convened to a specified date, time, and place.
- 4.9 In the event a quorum of the Committee is not present at the scheduled start time of the meeting, or is lost during the meeting, at the discretion of the Chair of each Advisory Committee, individual Committee members present in the room may proceed to hear informational agenda items, including any staff reports. No action shall be taken on any agenda item when a quorum does not exist. No official record of statements made by individual Committee members, staff, or members of the public will be created. However, if a quorum is achieved at any time, action items may be heard, discussed, and voted upon.
- 4.10 Except for such actions to adjourn, action of the Committee may be taken only upon the affirmative vote of not less than a majority of the appointed members or their alternates present. The voting on all matters shall be by voice vote unless a roll call vote is called for by any member of the Committee. Only appointed Committee members or appointed alternates (who are sitting in an appointed member's stead) may vote on a matter.
- 4.11 Discussion on any agenda item by either Committee members or by any member of the general public may be limited, at the discretion of the Chairperson, to such length of time as the Chairperson may deem reasonable under the circumstances.
- 4.12 The Committee may adjourn any regular or special meeting to a time and place specified in the order of adjournment.

**5. SUB-COMMITTEES**

- 5.1 Subcommittees of Board Advisory Committees will not be recognized. However, less than a quorum of Committee members may meet informally outside of meetings in accordance with Ralph M. Brown Act requirements.

Attachment 1

**PROVIDING FOR AND DEFINING THE STRUCTURE AND FUNCTION OF  
ADVISORY COMMITTEES TO THE SANTA CLARA VALLEY WATER DISTRICT  
BOARD OF DIRECTORS AND REPEALING RESOLUTION 15-28**

RESOLUTION 17- 75

BE IT FURTHER RESOLVED that Resolution No. 15-28 is hereby repealed.

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on

AYES: Directors T. Estremera, R. Santos, N. Hsueh, G. Kremen,  
L. LeZotte, J. Varela

NOES: Directors None

ABSENT: Directors B. Keegan

ABSTAIN: Directors None

SANTA CLARA VALLEY WATER DISTRICT

  
\_\_\_\_\_  
JOHN L. VARELA  
Chair/Board of Directors

ATTEST: MICHELE L. KING, CMC

  
\_\_\_\_\_  
Clerk/Board of Directors



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# APPLICATION FOR A SANTA CLARA VALLEY WATER DISTRICT COMMITTEE

Please complete this application in its entirety and submit an original signed copy to the Office of the Clerk of the Board at 5750 Almaden Expressway, San Jose, California 95118. If more space is needed, please attach additional pages. Applications are valid for one year from the date of receipt and are public record. This application is available on-line at [www.valleywater.org](http://www.valleywater.org) under "Board of Directors." For assistance, please contact the Office of the Clerk of the Board at (408) 265-2607, extension 2277.

## A. CONTACT INFORMATION

Name of Committee: <i>Environmental and Water Resources Committee</i>			
Name (First, Middle, Last): <i>Diego Mora Tejada</i>			
Home Phone: [REDACTED]	Work Phone:	Cell Phone: [REDACTED]	Fax:
Mailing Address: (Street Address, City, State, ZIP) [REDACTED]			
E-mail: [REDACTED]			
If Applicable, Present Employer (Name and Address): [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]		Job Title: [REDACTED]	
Do you have a current contractual relationship with the Santa Clara Valley Water District? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If Yes, please describe (if more space is needed, please attach additional pages):			

## B. VOLUNTEER EXPERIENCE

List current and previous volunteer experience. Include experience with charitable organizations, committees and commissions, or public offices you may have held and relevant dates. If more space is needed, please attach additional pages.

DATE(S):	NAME:	RESPONSIBILITIES/EXPERIENCE:
<i>July 2018 - Present</i>	<i>Seven Trees Neighborhood Association</i>	<i>• Create social activities • Beautification • Neighborhood Clean-ups • Created Association logo</i>
<i>Varies (2013-2014)</i>	<i>Sacred Heart Community Service</i>	<i>• Pack Grower Bags • Assit w/ clothing distribution • As needed</i>

## C. INTEREST AND AVAILABILITY

How did you hear about this committee opening?	
District Website Committee Member (please specify):	Director (please specify): Other (please specify):
Please describe your interest in serving on this committee:	See Attachment
Please describe your relevant qualifications, such as specific skills, training, or knowledge that should be considered in applying for this committee:	See Attachment
How would the community benefit by your participation on this committee?	See Attachment
Are you available to attend committee meetings when scheduled? (please go to <a href="http://www.valleywater.org">www.valleywater.org</a> for committee meeting schedule details) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, please describe:	
If you have a disability, what accommodations would you need to serve on this committee? N/A	

**D. EMERGENCY CONTACT INFORMATION**

In case of emergency, contact:	
1. Name: [REDACTED]	Phone: [REDACTED]
2. Name: [REDACTED]	Phone: [REDACTED]

I, HEREBY, ATTEST THAT THE ABOVE INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND MAY BE VERIFIED BY THE SANTA CLARA VALLEY WATER DISTRICT. I UNDERSTAND THAT MISREPRESENTATION OR OMISSIONS MAY BE CAUSE FOR MY IMMEDIATE REJECTION AS AN APPLICANT OR TERMINATION FROM APPOINTMENT TO A COMMITTEE.

  
 Applicant Signature

10/7/20  
 Date Signed

**C. INTEREST & AVAILABILITY**

**Please describe your interest in serving on this committee:**

As a self-described environmentalist and neighborhood activist, the Environmental Water Resources Committee purpose aligns with my goals to protect the environment from adverse impacts and serve my community. I have a genuine interest in water resources rooting from my experience living next to Coyote Creek and being a certified scuba diver. My interest is rooted from experiencing and seeing the impacts people have on our waterways, such as: urban runoff pollution, developing on floodplains, impacts on marine life through litter, agrochemicals, algal growth, and many more. Furthermore, acknowledging that these negative impacts can be addressed in the form of well thought out policies, enforcement of policies, and investment of infrastructure prompt my interest to serve on this committee.

**Please describe your relevant qualifications, such as specific skills, training, or knowledge that should be considered in applying for this committee:**

I hold a B.S. in Environmental Studies, with a specific focus on sustainability, from Santa Clara University. Additionally, I'm expected to receive my Masters in Urban Planning December 2020 with a focus on Community Design and Development and Environmental Planning. From my education, I gained knowledge in the following areas as they relate to this committee:

- Environmental Politics & Policy
- Water Resource and Restoration
- Climate Science
- Sustainability

Also, I'm an experienced microbiologist (~3 yrs.) and currently a seasoned urban planner (~3yrs). The combination of these two experiences have provided me with a wealth of knowledge and skills. Some of those skills include:

- Interpretation of scientific reports
- Evaluating scientific data reporting
- Public Speaking (English/Spanish)
- Review development plans
- Interpretation of environmental and land use policies/regulations
- Urban planning & design
- Soft Skills
- Collaboration with public officials, engineers, architects, lawyers, and real estate developers

**How would the community benefit by your participation on this committee?**

As someone who was raised and continues to live in the community, I believe the community would benefit from my education and experience to assist on the development of policies and issues as they relate to the position. The community will also benefit from my informed judgment and direct relationship to the community. Additionally, as someone who is experienced working with the public, I will offer: accountability, accessibility to be contacted, and an open mind. Lastly, being bilingual in Spanish will offer a much-needed opportunity for residents in District 6 to be heard that otherwise feel isolated.

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RESOLUTION NO. 13 - 61

PROVIDING FOR A SAFE, CLEAN WATER AND  
NATURAL FLOOD PROTECTION PROGRAM  
INDEPENDENT MONITORING COMMITTEE  
OF THE SANTA CLARA VALLEY WATER DISTRICT

RESOLVED by the Board of Directors of the Santa Clara Valley Water District as follows:

**I. GENERAL**

- A. Resolution 2012-62, approved by the voters of Santa Clara County by the passage of the November 6, 2012, Safe, Clean Water and Natural Flood Protection Program (Program) (ballot Measure B), requires that the Santa Clara Valley Water District Board of Directors (Board) appoint an external Independent Monitoring Committee (Committee) to conduct an annual audit and provide an annual report to the Board regarding implementation of the intended results of the Program. At the fifth and tenth anniversaries of the Program, the Committee will identify to the Board such modifications as may be reasonably necessary to meet the priorities of the Program.
- B. The Committee shall be comprised of 15 members who reside within Santa Clara County: two members to be nominated by each member of the Board and one additional member who shall be nominated by the Chair of the Board.
- C. The Committee member nominated by the Chair of the Board shall serve a term not to exceed one calendar year beginning on or after January 1 of a given year. The term of office of this Committee member shall not be subject to reappointment.
- D. In order to provide continuity, each Board member shall nominate one Committee member to serve a three-year term, and one Committee member to serve a two-year term. The terms of office of Committee members shall begin on July 1 of a given year, and are subject to reappointment by the full Board.
- E. Meetings of the Committee shall be governed by the Ralph M. Brown Act, Government Code Sections 54950-54961.

**II. PURPOSE**

- A. The Committee shall prepare and submit an annual report to the Board, which shall be made available to Santa Clara County residents, regarding the Committee's review of the implementation of the intended results of the Program. At the fifth and tenth anniversaries of the Program, the Committee will identify to the Board such modifications as may be reasonably necessary to meet the priorities of the Program. The Committee will provide for a regular meeting to be held not less than once per year.
- B. In monitoring implementation, the Committee will reasonably inform itself to the extent necessary to determine the degree to which the District 15-year plan for the Program is being accomplished to date and is planned for the next period.
- C. The District shall fund clerical support.

**III. CONDUCT OF MEETINGS**

- A. The Chairperson or a majority of the Committee membership may call for a special meeting of the Committee from time to time in accordance with Section 54956 of the Government Code, and Paragraph 2 hereof. Such

Providing for a Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee of the Santa Clara Valley Water District

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meetings shall be held at the Santa Clara Valley Water District Headquarters or such other place and time as the Chairperson may designate. The District may request the Chairperson or Committee to convene a special meeting.

- B. Notices of each Committee meeting, together with an agenda thereof and the draft minutes of the preceding meeting, shall be electronically mailed or sent by first class mail, postage prepaid, to each Committee member, and made available to the public in accordance with the Ralph M. Brown Act.
- C. The Committee may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time.
- D. The powers of the Committee shall be vested in the members thereof in office from time to time. A majority of the full membership of the Committee shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. With the exception above specified, actions of the Committee may be taken upon the affirmative vote of not less than a majority of a quorum present and voting.
- E. The voting on all matters shall be by voice vote, unless a roll call vote is called for by any member of the Committee.
- F. Discussion on any particular matter by either Committee members or by any member of the general public may be limited, in the discretion of the Chairperson, to such length of time as the Chairperson may deem reasonable under the circumstances.
- G. Whenever the Committee authorizes and instructs the Chairperson to appoint a subcommittee of the Committee or a committee composed of persons who are not members of the Committee, the members of such subcommittee or committee shall serve at the pleasure of the Chairperson. The Chairperson of such subcommittees and committees shall be appointed by the Chairperson of the Committee. All subcommittee meetings shall be conducted in accordance with the Ralph M. Brown Act.
- H. All meetings of the Committee shall be open and public.
- I. The Committee may be adjourned sine die by the Chairperson at the close of consideration of the business before it and may thereafter be returned to a course of regular meetings upon the call of the Chairperson or of a majority of the Committee membership in the manner prescribed for a call of a special meeting.

**IV. OFFICERS**

- A. The officers of the Committee shall be a Chairperson and Vice Chairperson, both of whom shall be members of the Committee. The Chairperson and Vice Chairperson shall be elected by the Committee, each for a term of one year commencing on July 1 and ending on June 30. The Committee shall elect its officers at a meeting of the Committee held the first meeting of the year. All officers shall hold over in their respective offices after their term of office has expired until their successors have been elected and have assumed office.

- B. The Chairperson shall preside at all meetings of the Committee. The Chairperson shall sign all resolutions and all other instruments made or promulgated by the Committee and he or she shall perform such other duties as the Committee may prescribe consistent with the purpose of the Committee.
- C. The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson; and in case of the resignation of or death of the Chairperson, the Vice Chairperson shall perform such duties as are imposed upon the Chairperson until such time as a new Chairperson is elected by the Committee.
- D. Should the office of Chairperson or Vice Chairperson become vacant during the term of such office, the Committee shall elect a successor from its membership at the earliest meeting at which such election would be practicable, and such election shall be for the unexpired term of such office.
- E. In the event the Chairperson and Vice Chairperson are both absent from a meeting, the Committee may elect a Chairperson Pro-tempore to preside over the meeting during the absence of the Chairperson and Vice Chairperson.
- F. Additional bylaws may be adopted for the purpose of conducting the business of the Committee.

**V. AMENDMENT**

- A. Amendment of this resolution consistent with or necessary to carry out or support the purpose of the Committee may be proposed by vote of the Committee or by the District's Board of Directors. The Board will consider and act upon the proposed amendment without delay but following not less than three calendar days (72 hours) written notice to each Committee member of the time and place when and where the proposed amendment is to be acted upon.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on November 12, 2013:

AYES: Directors R. Santos, L. LeZotte, T. Estremera, B. Keegan, D. Kennedy,  
B. Schmidt, N. Hsueh

NOES: Directors None

ABSENT: Directors None

ABSTAIN: Directors None

SANTA CLARA VALLEY WATER DISTRICT

By: 

NAI HSUEH

Chair/Board of Directors

ATTEST: MICHELE L. KING, CMC

  
Clerk/Board of Directors

Attachment 1

Page 3 of 3



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Valley Water

# APPLICATION FOR A SANTA CLARA VALLEY WATER DISTRICT COMMITTEE

Please complete this application in its entirety and submit an original signed copy to the Office of the Clerk of the Board at 5750 Almaden Expressway, San Jose, California 95118. If more space is needed, please attach additional pages. Applications are valid for one year from the date of receipt and are public record. This application is available on-line at [www.valleywater.org](http://www.valleywater.org) under "Board of Directors." For assistance, please contact the Office of the Clerk of the Board at (408) 265-2607, extension 2277.

## A. CONTACT INFORMATION

Name of Committee: Independent Monitoring Committee			
Name (First, Middle, Last): Rolane Anita Santos			
Home Phone: [REDACTED]	Work Phone: [REDACTED]	Cell Phone: [REDACTED]	Fax:
Mailing Address: (Street Address, City, State, ZIP) [REDACTED]			
E-mail: [REDACTED]			
If Applicable, Present Employer (Name and Address):		Job Title: Retired	
Do you have a current contractual relationship with the Santa Clara Valley Water District? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If Yes, please describe (if more space is needed, please attach additional pages):			

## B. VOLUNTEER EXPERIENCE

List current and previous volunteer experience. Include experience with charitable organizations, committees and commissions, or public offices you may have held and relevant dates. If more space is needed, please attach additional pages.

DATE(s):	NAME:	RESPONSIBILITIES/EXPERIENCE:
1995-2000	Sunnyvale National Little League	Treasurer -
1994-2000	Sunnyvale Pop Warner Cheer	Team Mom, Assistant Coach
2012-2016	Alviso Neighborhood Group	Treasurer
2011-2019	Santa Visits Alviso	Volunteer to organize the Resource Tables for the Annual Event

2020	Santa Visits Alviso	Secretary / Board Member -
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**C. INTEREST AND AVAILABILITY**

How did you hear about this committee opening?

District Website
  Director (please specify): Director Santos

Committee Member (please specify):
  Other (please specify):

Please describe your interest in serving on this committee:  
 I live in a flood zone and I am interested in all aspects of the Santa Clara Valley Water district and how they interact with my community. I am recently retired and I have the time to devote to this project.

Please describe your relevant qualifications, such as specific skills, training, or knowledge that should be considered in applying for this committee:  
 I was a manager of customer relations over the past 25 years in the semiconductor industry. I was active on many committees to get our product out on time and correctly. I am very active political in my community. I was also on the arts committee for the storm drain pumping station in Alviso. I believe I work well with others and able to listen to all ideas presented.

How would the community benefit by your participation on this committee?  
 The Alviso community would have a voice.

Are you available to attend committee meetings when scheduled? (please go to [www.valleywater.org](http://www.valleywater.org) for committee meeting schedule details)  Yes  No If No, please describe:

If you have a disability, what accommodations would you need to serve on this committee?

**D. EMERGENCY CONTACT INFORMATION**

In case of emergency, contact:

1. Name: [REDACTED] Phone: [REDACTED]

2. Name: Phone:

I, HEREBY, ATTEST THAT THE ABOVE INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND MAY BE VERIFIED BY THE SANTA CLARA VALLEY WATER DISTRICT. I UNDERSTAND THAT MISREPRESENTATION OR OMISSIONS MAY BE CAUSE FOR MY IMMEDIATE REJECTION AS AN APPLICANT OR TERMINATION FROM APPOINTMENT TO A COMMITTEE.

*Rafael Santos*

11 / 5 / 2020

**Applicant Signature**

**Date Signed**



# APPLICATION FOR A SANTA CLARA VALLEY WATER DISTRICT COMMITTEE

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## A. CONTACT INFORMATION

Name of Committee: Safe, Clean Water & Natural Flood Protection: Independent Monitoring Committee			
Name (First, Middle, Last): Huy Ngoc Tran			
Home Phone: [REDACTED]	Work Phone: [REDACTED]	Cell Phone: [REDACTED]	Fax: [REDACTED]
Mailing Address: (Street Address, City, State, ZIP) [REDACTED]			
E-mail: [REDACTED]			
If Applicable, Present Employer (Name and Address): [REDACTED]		Job Title: Partner	
Do you have a current contractual relationship with the Santa Clara Valley Water District? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If Yes, please describe (if more space is needed, please attach additional pages):			

## B. VOLUNTEER EXPERIENCE

List current and previous volunteer experience. Include experience with charitable organizations, committees and commissions, or public offices you may have held and relevant dates. If more space is needed, please attach additional pages.

DATE(S):	NAME:	RESPONSIBILITIES/EXPERIENCE:
Aug 2017 to present	Housing and Community	See attached resume
May 2015 to present	Vietnamese American Roundtable	See attached resume
2014 to present	Wage Theft Coalition	See attached resume

**C. INTEREST AND AVAILABILITY**

How did you hear about this committee opening?

District Website  Director (please specify): Richard Santos

Committee Member (please specify):  Other (please specify):

Please describe your interest in serving on this committee:  
I have a particular interest in seeing the Alviso area preserved and protected, especially the flood plain. Alviso is a hidden gem for the South Bay and serves an important role in our ecosystem as the outlet for the Guadalupe River and Coyote Creek. Also considering that we have faced drought and wildfire conditions on a regular basis, we have a moral obligation to ensure that our waterways are clear to serve our local communities.

Please describe your relevant qualifications, such as specific skills, training, or knowledge that should be considered in applying for this committee:  
I have a wealth of policy experience on housing and labor. As part of the Wage Theft Coalition, I have helped enact Wage Theft Ordinances in the Cities of Milpitas, Sunnyvale, and San Jose, and in Santa Clara County and Santa Clara Unified School District. I was also just reappointed to the Housing Commission for the City of San Jose after serving on the commission for 2 years. I also have experience managing finances at my law firm where I am a partner and for the non-profit that I help found called the Vietnamese American Roundtable. At VAR, we were able to grow our budget from \$10,000 in seed funding to over \$200,000 in three years, and hired our first staff a little over a year after incorporating.

How would the community benefit by your participation on this committee?  
I am active with several organizations that advocate on important issues and keeps our community informed. We have sought to ensure that our local residents know about what is happening in their community and can participate as much as possible. We have weekly communiques and virtual programming that provides updates on policy issues as well as current affairs, and serving on this committee will help ensure that important issues related to the preservation of our waterways and local environment is dispersed as well.

Are you available to attend committee meetings when scheduled? (please go to [www.valleywater.org](http://www.valleywater.org) for committee meeting schedule details)  Yes  No If No, please describe:  
The website does not have a list of updated meeting dates, but I was told that meetings are quarterly, and given enough notice, I can plan around these meetings.

If you have a disability, what accommodations would you need to serve on this committee?  
Not applicable.

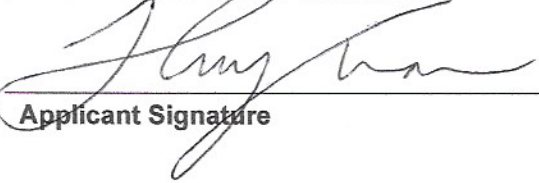
**D. EMERGENCY CONTACT INFORMATION**

In case of emergency, contact:

1. Name: [Redacted] Phone: [Redacted]

2. Name: [Redacted] Phone: [Redacted]

I, HEREBY, ATTEST THAT THE ABOVE INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND MAY BE VERIFIED BY THE SANTA CLARA VALLEY WATER DISTRICT. I UNDERSTAND THAT MISREPRESENTATION OR OMISSIONS MAY BE CAUSE FOR MY IMMEDIATE REJECTION AS AN APPLICANT OR TERMINATION FROM APPOINTMENT TO A COMMITTEE.

  
Applicant Signature

10/7/2020  
Date Signed



# Santa Clara Valley Water District

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**File No.:** 20-0971

**Agenda Date:** 11/24/2020

**Item No.:** 3.2.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Amendment to Employment Agreement Between Santa Clara Valley Water District and Stanly Yamamoto.

### **RECOMMENDATION:**

- A. Adopt the RESOLUTION APPROVING AND ADOPTING NOVEMBER 24, 2020 AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN SANTA CLARA VALLEY WATER DISTRICT AND STANLY YAMAMOTO; and
- B. Authorize the Chair of the Board to execute November 24, 2020 Amendment to Employment Agreement Between Santa Clara Valley Water District and Stanly Yamamoto.

### **SUMMARY:**

On March 2, 2020, District Counsel provided notice to the Board of Directors of his desire to retire. However, in light of the pandemic caused by COVID-19 and other District matters, this notice was voluntarily withdrawn and no further retirement date had been established. The Board recognizes that it needs sufficient time to conduct an executive recruitment for District Counsel and has requested the assurance of District Counsel that he will remain in service until May 3, 2021. To accommodate the needs of the Board, District Counsel has agreed to renegotiate certain terms of his employment agreement.

The amendment generally holds that: (1) the District Counsel will remain employed by Valley Water until May 3, 2021 at which point he will retire; (2) the District Counsel will waive his ability to terminate the agreement upon 60 days' notice; (3) the District Counsel will receive an additional 400 hours of vacation; and (4) the District Counsel will execute a General Release. In addition, District Counsel will work with the Chair of the Board to implement a smooth transition to a successor District Counsel.

### **FINANCIAL IMPACT:**

The value of the additional 400 hours of vacation at the District Counsel's current rate of pay is \$64,104. There are funds available in the Fiscal Year 2021 budget to cover this pay.

**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

Attachment 1: Resolution

Attachment 2: Amendment to Employment Agreement

**UNCLASSIFIED MANAGER:**

Michele King, 408-630-2711

**BOARD OF DIRECTORS  
SANTA CLARA VALLEY WATER DISTRICT**

**RESOLUTION NO. 20-XX**

**APPROVING AND ADOPTING  
NOVEMBER 24, 2020, AMENDMENT TO EMPLOYMENT AGREEMENT  
BETWEEN SANTA CLARA VALLEY WATER DISTRICT AND STANLY YAMAMOTO**

WHEREAS, an employment agreement (“Agreement”) between the Santa Clara Valley Water District (“Valley Water”) and Stanly Yamamoto (“Employee”) was entered into on February 1, 2010; and

WHEREAS, the Agreement has been amended periodically to update the annual compensation amount; and

WHEREAS, on or about March 2, 2020, Employee had given notice of his impending retirement; and

WHEREAS, on or about March 23, 2020, for the benefit of Valley Water, Employee voluntarily withdrew his retirement to continue to provide legal assistance to Valley Water due to the extraordinary circumstances caused by the COVID-19 pandemic and other matters; and

WHEREAS, Employee has not announced any future retirement date; and

Whereas, in order for the Board of Directors to have sufficient time to conduct a thorough executive recruitment for a successor District Counsel, Valley Water has requested assurance from Employee that he would extend his service to Valley Water to May 3, 2021 (“Retirement Date”); and

WHEREAS, based upon the foregoing, Employee has agreed to re-negotiate the Agreement to accommodate the needs of the Board of Directors; and

WHEREAS, Section 8.1 of the Agreement holds that Employee may terminate the Agreement at any time upon 60 days’ written notice to the Board; and

WHEREAS, in consideration for an additional four hundred (400) hours of vacation, to be vested on the effective date of the Agreement amendment, Employee agrees to forego his ability to terminate the Agreement upon 60 days’ notice, agrees to remain a Valley Water employee until the Retirement Date; and

WHEREAS, in consideration for Employee’s surrender of his ability to terminate the Agreement upon 60 days’ notice, Valley Water agrees that any Valley Water initiated termination of the Agreement prior to the Retirement Date shall not operate to negatively impact Employee’s right to receive his retiree health benefit from Valley Water or in any way divest him of said benefit; and

WHEREAS, to facilitate any hiring of a successor District Counsel that might occur prior to the Retirement Date, Employee agrees to be placed on paid administrative leave from the start date of any successor District Counsel until the Retirement Date; and



WHEREAS, to further facilitate a smooth transition between Employee and a successor District Counsel, Employee will work with each of the Senior Assistant District counsels so that they shall assume greater day-to-day responsibilities through the Retirement Date; and

WHEREAS, the terms of the above-referenced modifications are set forth in the attached November 24, 2020, Amendment to Employment Agreement (Attachment 1); and

WHEREAS, the Board of Directors finds that this November 24, 2020, Amendment to Employment Agreement Between Santa Clara Valley Water District and Stanly Yamamoto is in the best interest of Valley Water.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Water District as follows:

1. Valley Water approves and accepts the November 24, 2020, Amendment to Employment Agreement Between Valley Water and Stanly Yamamoto.
2. The Chair of the Board is authorized to execute the November 24, 2020, Amendment to Employment Agreement Between Valley Water and Stanly Yamamoto.
3. Valley Water confirms and accepts Employee's retirement date of May 3, 2021.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on November 24, 2020:

AYES:

NOES:

ABSENT:

ABSTAIN:

SANTA CLARA VALLEY WATER DISTRICT

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NAI HSUEH  
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC

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Clerk, Board of Directors

**November 24, 2020 Amendment to Employment Agreement Between Santa Clara Valley Water District and Stanly Yamamoto**

This November 24, 2020 Amendment to the Employment Agreement between Santa Clara Valley Water District and Stanly Yamamoto (Amendment) is entered into effective November 24, 2020.

**RECITALS**

- A. The Santa Clara Valley Water District (District) and District Counsel Stanly Yamamoto (Employee) entered into an original employment agreement on February 1, 2010 (Original Agreement), establishing his annual salary in the amount of \$215,000.
- B. The Original Agreement has been amended from time to time to increase Employee's annual compensation.
- C. Employee has agreed to postpone his preferred retirement date until May 3, 2021 to accommodate the request of the District.
- D. In consideration for Employee's agreement to remain employed until May 3, 2021 and to waive his right to terminate the Original Agreement upon 60 days' notice, District agreed to immediately award Employee an additional 400 hours of vacation.

**NOW THEREFORE**, in consideration of the mutual obligations in the Original Agreement and all amendments thereto, the parties agree as follows:

1. Section 8.1 of the Original Agreement is modified to read in its entirety as follows:

8.1. Employee has agreed to postpone his planned retirement until May 3, 2021 (Retirement Date) and District hereby confirms and accepts Employee's retirement to be effective on said date. Employee shall not be required to provide any further notice of retirement to District. In consideration for the award of additional vacation hours set forth in Section 5.4 above, Employee agrees that he shall not terminate this Agreement prior to the Retirement Date. Should District initiate a termination of this Agreement prior to the Retirement Date, such termination shall not negatively impact Employee's right to receive retiree health benefits from the District or otherwise divest him of the right to such benefits.

2. New Section 5.4 is added to the Original Agreement to read in its entirety as follows:

5.4. Additional Vacation Hours. In consideration for Employee's agreement to postpone his retirement until the Retirement Date, as set forth in section 8.1 below, District hereby awards Employee with an additional four hundred (400) hours of vacation to vest immediately upon the execution date of this November 24, 2020 Amendment to Employment Agreement. With respect to

vacation hours, the provisions of this Amendment shall control over the terms of Exhibit-A (Santa Clara Valley Water District – Unclassified Employee Benefits).

3. New Section 5.5 is added to the Original Agreement to read in its entirety as follows:

5.5 General Release. In further consideration for the four hundred vacation hours, Employee shall execute a General Release covering the term of his employment with the District for all potential claims and damages *excluding any claims or actions regarding the retiree health benefit.*

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the day and year first written above.

By: \_\_\_\_\_  
Stanly Yamamoto  
District Counsel

Attest:

By: \_\_\_\_\_  
Nai Hsueh  
Chair of the Board  
Santa Clara Valley Water District

By: \_\_\_\_\_  
Michele L. King, CMC  
Clerk of the Board



# Santa Clara Valley Water District

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**File No.:** 20-1062

**Agenda Date:** 11/24/2020  
**Item No.:** \*3.3.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Accept the CEO Bulletin for the Weeks of November 6-19, 2020.

### **RECOMMENDATION:**

Accept the CEO Bulletin.

### **SUMMARY:**

The CEO Bulletin is a weekly communication for the CEO, to the Board of Directors, assuring compliance with Executive Limitations Policy EL-7: The BAOs inform and support the Board in its work. Further, a BAO shall: inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established; and report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

CEO Bulletins are produced and distributed to the Board weekly as informational items, and then placed on the bimonthly, regular Board meeting agendas to allow opportunity for Board discussion on any of the matters contained therein.

### **FINANCIAL IMPACT:**

There is no financial impact associated with this item.

### **CEQA:**

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

### **ATTACHMENTS:**

Attachment 1: 111920 CEO Bulletin

### **UNCLASSIFIED MANAGER:**

Rick Callender, 408-630-2017

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# CEO BULLETIN



To: Board of Directors  
From: Rick L. Callender, CEO

## Weeks of November 6 – November 19, 2020

Board Executive Limitation Policy EL-7:

*The Board Appointed Officers shall inform and support the Board in its work. Further, a BAO shall 1) inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established and 2) report in a timely manner an actual or anticipated noncompliance with any policy of the Board.*

Item	IN THIS ISSUE
<u>1</u>	Anderson Reservoir Operations Post Federal Energy Regulatory Commission's Drawdown Order
<u>2</u>	BAYWORK Annual Report for 2019-2020
<u>3</u>	Department of Water Resources Releases Oroville Dam Comprehensive Needs Assessment Summary Report
<u>4</u>	Freedom Bridge
<u>5</u>	Saratoga Creek Hazard Tree Removal & Restoration Project
<u>6</u>	Update on PG&E's Wholesale Distribution Tariff (WDT) Rate Case
<u>7</u>	Valley Water Hosts Virtual Presentation on the Stevens Creek Fish Passage Study
<u>8</u>	<u>LeZotte</u> At the 10/13/20 Board meeting, Director LeZotte requested a list of subjects and locations of the 19 Editorial Columns listed as accomplishments in the Board Provides Linkage to the Community section in the FY20 Board Performance Report. R-20-0011
<u>9</u>	<u>Kremen</u> Staff is to Provide Director Kremen with a draft copy of the Fiscal Year 2020 Comprehensive Annual Financial Report (CAFR). I-20-0016

### 1. Anderson Reservoir Operations Post Federal Energy Regulatory Commission's Drawdown Order

Valley Water began drawing down Anderson Reservoir to meet the October 1, 2020 deadline that was imposed by the Federal Energy Regulatory Commission (FERC) Order. Valley Water is currently lowering the reservoir down to deadpool which is approximately 3-percent of capacity. As of November 16, 2020, Anderson Reservoir storage was at approximately 7-percent of capacity. Valley Water has been beneficially using Anderson Reservoir water by sending it to the drinking water treatment plants and releasing it to Coyote Creek for managed groundwater recharge.

On October 8, 2020, Valley Water stopped the release of Anderson water to the water treatment plants due to degrading water quality—high manganese levels and low dissolved oxygen. Valley Water increased the release to Coyote Creek to 100 cubic feet per second to comply with the FERC Order to draw down the reservoir as quickly and as safely as possible.

In early November 2020, Anderson Reservoir water turned over due to cooling air and water temperatures. That is, the reservoir water at different depths has mixed and the water quality became acceptable for treatment at the drinking water treatment plants. Consequently, Valley Water started sending Anderson Reservoir water again to the drinking water treatment plants on November 9, 2020. The plan is to keep on using Anderson Reservoir as a water source for the Rinconada and Santa Teresa Water Treatment Plants until Anderson's water storage nears deadpool or the water quality becomes unacceptable to use at the water treatment plants, whichever comes first. Flows to Coyote Creek are primarily from imported water sources when sending Anderson water to the drinking water treatment plants.

On November 13, 2020, Valley Water reduced the blend of Anderson water to the drinking water treatment plants due to water quality issues. The Anderson Reservoir water quality parameters continue to be monitored and, when the water becomes acceptable for the treatment plants, the use of Anderson Reservoir water will be increased to maximize its beneficial use.

For further information, please contact Greg Williams at (408) 630-2867.

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### **2. BAYWORK Annual Report for 2019-2020**

BAYWORK, a regional consortium of water and wastewater utilities working on operational sustainability through workforce sustainability has issued its Annual Report for 2019-2020. Valley Water is a charter member of BAYWORK and has benefited from support from Valley Water's Board of Directors. Valley Water's participation is a part of efforts for succession development.

Last fiscal year was a noteworthy one for BAYWORK. The COVID-19 pandemic derailed many planned activities however, it remained a strong year for the organization. The Annual Report is organized in an infographic format that highlights some of the most significant accomplishments and is available on the recently updated website at [www.baywork.org](http://www.baywork.org).

For further information, please contact Ingrid Bella at (408) 630-3171.

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### **3. Department of Water Resources Releases Oroville Dam Comprehensive Needs Assessment Summary Report**

On November 9, 2020, the Department of Water Resources (DWR) issued a news release announcing the publication of a summary report on the Oroville Dam Safety Comprehensive Needs Assessment (CNA), initiated in January 2018, to identify dam safety and operational needs following reconstruction of the spillways damaged in February 2017.

The news release states that a team of experts, including an Independent Review Board of dam safety experts, determined that the Oroville Dam Complex is safe to operate and no urgent repairs are needed. The CNA identified several risk-reduction projects that DWR already is moving to implement and identified potential vulnerabilities that require further examination to better understand their actual risk. Since conditions can change over time, DWR will conduct ongoing monitoring and assessment to maintain the safety and reliability of the dam complex.

The news release from DWR can be found at the following website:

<https://water.ca.gov/News/News-Releases/2020/Nov-20/Oroville-CNA-Assessment-Summary-Report>

The CNA Summary Report can be found at the following website:

<https://water.ca.gov/Programs/State-Water-Project/SWP-Facilities/Oroville/Oroville-Dam-Safety-Comprehensive-Needs-Assessment>

For further information, please contact Vincent Gin at (408) 630-2633.

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#### **4. Freedom Bridge**

As a part of the continuing effort to advance the removal of a temporary bridge, known as the Freedom Bridge, across San Tomas Creek that was constructed by Intel, Valley Water met with Intel again in September 2020. Intel agreed to proceed with the removal of the bridge and Valley Water agreed that it would be appropriate for Valley Water to act as lead agency under the California Environmental Quality Act (CEQA). Intel will be responsible for preparing CEQA documentation, obtaining permits, preparing revised plans, removing the bridge, and restoring the levee. Intel also agreed to provide periodic check-ins to assure progress.

Based on the schedule provided, removal of the bridge is targeted for Summer of 2021 which will require extension of the lease for the bridge on Valley Water lands until October 1, 2021.

For further information, please contact Rechelle Blank at (408) 630-2615.

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#### **5. Saratoga Creek Hazard Tree Removal & Restoration Project**

All Phase 1 tree removal work was completed as of October 28, 2020 and our completion memo (permit requirement) went out to the California Department of Fish and Wildlife (CDFW). Phase 1 operations removed 48 Eucalyptus trees and 49 remain to be removed in Phase 2 operations which are slated to begin in August 2021. Project site winterization measures have been put in place, all disturbed areas have been hydroseeded with a native grass and forbs seed mix. Dudek will continue to monitor the project site weekly until winter rains begin as required by the Stormwater Pollution Prevention Plan (SWPPP).

Native plant restoration work will begin in October of 2021. Starting in June of 2021, all encroached fences, fenceposts, landscaping and hardscaping will need to be removed from Valley Water property to allow for minor grading in preparation for restoration work.

The Brookside Club is generally pleased with how operations went, and Valley Water's lease of their parking lot has expired and will need to be renewed for Phase 2 tree removal operations. Valley Water is also in contact with Cupertino Union School District for discussions on obtaining maintenance access to their back gate for Phase 2 (August 2021) and Phase 3 (August 2022) tree removal operations.

For further information, please contact Jennifer Codianne at (408) 630-3876.

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## **6. Update on PG&E's Wholesale Distribution Tariff (WDT) Rate Case**

On October 6, 2020, Power and Water Resources Pooling Authority (PWRPA), together with Calaveras Public Power Agency (CPPA), and Tuolumne Public Power Agency (TPPA), filed a joint Protest at Federal Energy Regulatory Commission (FERC) on the rate and non-rate changes proposed by Pacific Gas & Electric Company (PG&E) to its Wholesale Distribution Tariff (WDT) and WDT Service Agreements Nos. 17, 30, and 56. The proposed increase in PG&E's rate adjustments would increase Valley Water's annual electricity budget by about 37 percent or approximately \$750,000. In addition to the protest filed by PWRPA, CPPA and TPPA, the City and County of San Francisco and the California Public Utilities Commission also filed motions for dismissal. On November 7, 2020, PWRPA and Westlands Water District filed a Supplemental Protest at FERC citing the rate adjustments proposed by PG&E created a price squeeze that will harm PWRPA and some of its customers. Valley Water will continue to work with PWRPA on this case and will keep the Valley Water Board of Directors apprised of the progress as well as bring forth, as necessary, actions for the Board's consideration.

PWRPA is a Joint Powers Authority comprising nine irrigation districts that organized in 2004 under California State law to collectively manage individual power assets and loads. The Authority serves 15 water agencies including Valley Water. The aerial scope of PWRPA spans a significant portion of the Sacramento-San Joaquin Valleys and coastal counties of California. The Authority's power load ranges from 20 to 120 megawatts (MW) from winter to summer, consuming 290 to 520 gigawatt hours of energy annually to convey, treat, and recycle water for their growers and consumers. The Participants' individual loads range from 2 to 35 MW. PWRPA performs an annual cost-benefit comparison between PWRPA electricity costs and PG&E electricity costs. The most recent comparison indicates Valley Water achieved \$7.8 million in cost savings from calendar year 2016 through 2019. In addition, Valley Water's purchased electricity from PWRPA is 100 percent carbon free. Approximately 95 percent of Valley Water's purchased energy is provided by PWRPA.

For further information, please contact Bhavani Yerrapotu at (408) 630-2735.

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## **7. Valley Water Hosts Virtual Presentation on the Stevens Creek Fish Passage Study**

On Friday, November 13, 2020, Valley Water hosted a lunchtime virtual presentation on the Stevens Creek Fish Passage Study to share the latest data with interested stakeholders and regulatory agencies. Together with a team of consultants, Valley Water analyzed 30 sites along Stevens Creek suspected of impeding steelhead passage. The study identified and evaluated physical structures and channel conditions which potentially affect steelhead migration in the creek reach between San Francisco Bay and Stevens Creek Dam.

During the webinar event, a total of 35 stakeholders and regulatory agency staff participated via Zoom. Ten questions and answers about the study results were posed during the last portion of the recorded webinar event. A video of that virtual presentation, along with the study are available on the project's webpage: [www.valleywater.org/stevens-creek-fish-passage-analysis](http://www.valleywater.org/stevens-creek-fish-passage-analysis).

With the completion of this study, Valley Water will begin to prioritize the study sites and identify fish passage solutions to evaluate and develop into future projects.

For further information, please contact Rachael Gibson at (408) 781-4739.

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8. **LeZotte**

**At the 10/13/20 Board meeting, Director LeZotte requested a list of subjects and locations of the 19 Editorial Columns listed as accomplishments in the Board Provides Linkage to the Community section in the FY20 Board Performance Report.  
R-20-0011**

Below is a list of subjects and locations of the 19 Editorial Columns listed as accomplishments in the Board Provides Linkage to the Community section in the Fiscal Year 2020 (FY20) Board Performance Report.

July 2019

- Director Varela: Main Avenue and Madrone Pipeline Restoration Project. Published in Morgan Hill Life; Santa Clara County Farm Bureau newsletter. [morganhilllife.com/2019/07/26/your-water-with-john-varela-new-pipeline-helps-water-district-ensure-re-liable-supply-for-the-region/](http://morganhilllife.com/2019/07/26/your-water-with-john-varela-new-pipeline-helps-water-district-ensure-re-liable-supply-for-the-region/)
- Director LeZotte: Valley Water's capital improvement and conservation work. Published in Valley Water News. [valleywaternews.org/2019/08/05/valley-waters-capital-improvement-and-conservation-work/](http://valleywaternews.org/2019/08/05/valley-waters-capital-improvement-and-conservation-work/)

August 2019

- Director Santos: Protecting East San Jose from flooding while safeguarding the environment. Published in Valley Water News. [valleywaternews.org/2019/08/14/protecting-east-san-jose-from-flooding-while-safeguarding-the-environment/](http://valleywaternews.org/2019/08/14/protecting-east-san-jose-from-flooding-while-safeguarding-the-environment/)

September 2019

- Vice Chair Estremera: Flood protection project in East San Jose nearly complete. Published in San Jose Inside. [sanjoseinside.com/opinion/op-ed-valley-water-close-to-finalizing-key-flood-protections-at-lake-cunningham-park/](http://sanjoseinside.com/opinion/op-ed-valley-water-close-to-finalizing-key-flood-protections-at-lake-cunningham-park/)
- Director Varela: Upper Llagas Creek Flood Protection Project. Published in the Santa Clara County Farm Bureau newsletter.

November 2019

- Director Keegan: Valley Water seeks public input on flood protection project. Published in San Jose Inside. [sanjoseinside.com/opinion/op-ed-valley-water-seeks-public-input-on-flood-protection-project/](http://sanjoseinside.com/opinion/op-ed-valley-water-seeks-public-input-on-flood-protection-project/)
- Director Varela: Groundwater benefit zones. Published in the Santa Clara County Farm Bureau newsletter.

December 2019

- Director Kremen: Recycled and purified water. Published in Los Altos Online and Mountain View Voice. [losaltosonline.com/news/sections/comment/257-other-voices/61731-other-voices-valley-water-partners-to-expand-water-supply](http://losaltosonline.com/news/sections/comment/257-other-voices/61731-other-voices-valley-water-partners-to-expand-water-supply)  
[mv-voice.com/print/story/2020/03/06/play-ball](http://mv-voice.com/print/story/2020/03/06/play-ball)
- Director LeZotte: 2019, a year in review. Published in Valley Water News. [valleywaternews.org/2020/01/27/2019-a-year-in-review/](http://valleywaternews.org/2020/01/27/2019-a-year-in-review/)

January 2020

- Director LeZotte, Almaden Lake project. Published in Mercury News. [mercurynews.com/2020/02/14/almaden-lake-project-will-help-the-environment/](http://mercurynews.com/2020/02/14/almaden-lake-project-will-help-the-environment/)

- Director LeZotte: Open Space Credit. Published in the Santa Clara County Farm Bureau newsletter.

February 2020

- Director Kremen, McKelvey Park. Published in Mercury News and Mountain View Voice. [Valley Water completes work at McKelvey Park in Mountain View](https://issuu.com/mountainviewvoice/docs/2020_03_06.mvv.section1) [https://issuu.com/mountainviewvoice/docs/2020\\_03\\_06.mvv.section1](https://issuu.com/mountainviewvoice/docs/2020_03_06.mvv.section1) (Page 17)

April 2020

- Chair Hsueh, board priorities. Published in Valley Water News. [valleywaternews.org/2020/04/17/valley-water-board-chair-outlines-2020-priorities/](http://valleywaternews.org/2020/04/17/valley-water-board-chair-outlines-2020-priorities/)
- Director LeZotte, Covid-19 update and Valley Water's commitment to providing safe, clean water. Published in VEP Newsletter. [www.vepca.net/index.php?option=com\\_content&view=article&id=48&Itemid=54](http://www.vepca.net/index.php?option=com_content&view=article&id=48&Itemid=54)

May 2020

- Vice Chair Estremera, emergency preparedness, response. Published in San Jose Inside. [sanjoseinside.com/opinion/op-ed-from-covid-to-storms-valley-water-is-prepared-for-a-range-of-emergencies/](http://sanjoseinside.com/opinion/op-ed-from-covid-to-storms-valley-water-is-prepared-for-a-range-of-emergencies/)
- Director Varela: Upper Llagas Creek Flood Protection Project. Published in the Santa Clara County Farm Bureau newsletter.

June 2020

- Director Varela, Anderson Dam Seismic Retrofit. Published in Gilroy Life. [gilroylife.com/2020/07/03/community-voices-by-john-varela-valley-water-board-approves-next-steps-in-fixing-anderson-dam/](http://gilroylife.com/2020/07/03/community-voices-by-john-varela-valley-water-board-approves-next-steps-in-fixing-anderson-dam/)
- Director Keegan, Coyote Creek public meetings. Published in Valley Water News. [valleywaternews.org/2020/06/04/valley-water-hosting-virtual-public-meetings-to-share-preferred-project-alternative-for-the-coyote-creek-flood-protection-project/](http://valleywaternews.org/2020/06/04/valley-water-hosting-virtual-public-meetings-to-share-preferred-project-alternative-for-the-coyote-creek-flood-protection-project/)
- Director Kremen: A social justice perspective of the Delta tunnel project. Published in Cal Matters. [calmatters.org/commentary/my-turn/2020/06/a-social-justice-perspective-of-the-delta-tunnel-project/](http://calmatters.org/commentary/my-turn/2020/06/a-social-justice-perspective-of-the-delta-tunnel-project/)

For further information, please contact Rachael Gibson at (408) 781-4739.

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**9. Kremen**

**Staff is to Provide Director Kremen with a draft copy of the Fiscal Year 2020 Comprehensive Annual Financial Report (CAFR). I-20-0016**

On November 9, 2020, Valley Water provided Director Kremen with a draft copy of the Fiscal Year 2020 Comprehensive Annual Financial Report (CAFR). A copy of the file can be obtained by contacting the Clerk of the Board.

For further information, please contact Darin Taylor at (408) 630-3068.

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# Santa Clara Valley Water District

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**File No.:** 20-1067

**Agenda Date:** 11/24/2020

**Item No.:** 4.1.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Discuss Establishment of a Board Budget Committee.

### **RECOMMENDATION:**

Support 2020 Board Chair Hsueh's Recommendation to Not Establish a Board Budget Committee.

### **SUMMARY:**

On August 11, 2020, the Board received an overview of the current budget process and provided direction to staff to implement a rolling biennial budget process upon completion of, and demonstrated stability of, the Infor ERP system implementation. In addition, the Board requested further information on best practices as it relates to the use of a Budget Committee.

Although many Water Districts throughout California use a "Finance Committee", Chair Hsueh does not recommend the formation of a Finance Committee for Valley Water for the following reasons:

- 1. So that no Board member is excluded from engaging in important Finance conversations, which are currently had at the full Board level.** For reference, the following finance topics represent typical topics that a Finance Committee would address, which are currently addressed by the full Board:
  - **Rate setting** - Must follow District Act prescribed process (Board members are extremely engaged in this process, which includes multiple Board meetings, advisory committee outreach, public hearings, etc.)
  - **Budget setting** - Full Board engaged via multiple Board meetings including a detailed work study session.
  - **Debt** - All debt issuances come to full Board for approval after approval from the Public Facilities Finance Corporation (PFFC).
  - **Investments** - Monthly and quarterly written investment reports are provided to the full Board via non-agenda process. Board has been very engaged as evidenced by several recently approved investment policy changes.

- **Accounting** - The Board Audit Committee already reviews the Comprehensive Annual Financial Report prior to going to the full Board.
  - **Actual vs Budget performance monitoring** - Staff provides mid-year actual versus budget, and year-end unaudited actual versus budget financial report outs to the full Board.
2. **Several Committees already exist that review detailed financial analysis on key topics prior to full Board presentation if needed** (Board Audit Committee, CIP Committee, Recycled Water Committee, Water Storage Exploratory Committee, and FAHCE Committee.) The roles and responsibilities of a new “Finance Committee” could easily overlap with these existing Committees and create issues such as serial meetings.
  3. **No compelling reason to form a Finance Committee**, in other words there is no particular problem to solve.

Chair Hsueh’s recommendation is to continue with the current practice of establishing an ad hoc working group or committee to address financial issues as they come up. Recent successful examples include the Budget Review Working Group and the Financial Sustainability Working Group, which were established to engage in more detailed discussions to help solve a particular problem.

If Board members have financial topics of interest that require in depth discussion, please communicate to the Board Chair and they can be addressed.

**FINANCIAL IMPACT:**

There is no financial impact associated with this item.

**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

None.

**UNCLASSIFIED MANAGER:**

Michele King, 408-630-2711



# Santa Clara Valley Water District

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**File No.:** 20-1070

**Agenda Date:** 11/24/2020

**Item No.:** 4.2.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Discuss Board of Directors Governance Policy Governance Process GP-5.3, Election of Board Chair and Board Vice Chair.

### **RECOMMENDATION:**

- A. Discuss Board of Directors Governance Policy Governance Process GP-5.3, Election Board Chair and Board Vice Chair; and
- B. If necessary, make changes as identified.

### **SUMMARY:**

At the November 10, 2020, Board meeting, Director Santos requested that discussion of Board Governance Policy GP-5.3 be placed on the agenda for Board discussion. This item allows the Board to discuss this policy and make any changes necessary.

Below is the current language of GP-5.3:

- 5.3. The Board of Directors elects both the Chairperson (Chair) and Vice Chairperson (Vice Chair) of the Board. The Chair and Vice Chair each serve 1-year terms beginning at the first Board meeting in January of each year.

Accordingly:

- 5.3.1. Beginning in the calendar year 2012, the positions of Chair and Vice Chair shall rotate from member to member in numerical order continuing from the 2010 rotation: the District 4 Director would be Chair and District 5 Director would be Vice Chair; the Vice Chair follows the Chair in sequence.
- 5.3.2. Any Board member may, at his/her discretion, and on a one-time basis, postpone, by one year, the acceptance of either the Chair or Vice Chair office by "swapping" with the Director immediately following him/her on the list of succession.

5.3.2.1. Provided, however, that newly-elected or appointed Board members will postpone, by one year, the acceptance of the Chair office by “swapping” with the Director immediately following him/her on the list of succession.

5.3.3. Any Board member may, at his/her discretion, decline to serve as Chair or Vice Chair. In the event the Board member declines to serve, that District shall be skipped and the next District Board member shall serve in their stead.

5.3.4. The Clerk of the Board shall maintain the list of Board member service as Chair or Vice Chair.

**FINANCIAL IMPACT:**

There is no financial impact associated with this item.

**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

None.

**UNCLASSIFIED MANAGER:**

Michele King,408-630-2711



# Santa Clara Valley Water District

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**File No.:** 20-1078

**Agenda Date:** 11/24/2020

**Item No.:** \*4.3.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Consider the Board Ethics and Conduct Ad Hoc Committee Recommendations to Approve Amendments to Board of Directors Governance Policies GP-6.11.1 and GP-6.11.2, Complaints by Board Members Against Board Members, and GP-6.19.1 and GP-6.19.2, Complaints from Non-Board Members.

### **RECOMMENDATION:**

- A. Discuss Proposed Amendments to Board of Directors Governance Policies GP 6.11.1 and GP-6.11.2, Complaints by Board Members Against Board Members, and GP-6.19.1 and GP-6.19.2, Complaints from Non-Board Members; and
- B. Approve the proposed amendments to GP-6.11.1 and GP-6.11.2, and GP-6.19.1 and GP-6.19.2.

### **SUMMARY:**

The Board Governance Policies, Governance Process sections 6.11.1, 6.11.2, 6.19.1 and 6.19.2 address part of the process to be followed whenever a complaint is made against board members. Section 6.11 deals with investigations arising out of complaints brought by fellow board members, and section 6.19 deals with investigations arising out of third-party complaints. As the filing of such complaints occurs infrequently, review of that process was recently undertaken by the Board's Ethics and Conduct Ad Hoc Committee. The focus of that discussion was on whether the process is sufficiently independent.

After discussion, the Committee recommends that the Board amend the above-described policies that will provide that the Committee:

- Retain an independent investigator and a third-party project manager to manage any investigation and be able to terminate any investigation (G.P. 6.11.1, 6.11.2);
- Retain a third-party project manager to manage any investigation and be able to terminate any investigation (G.P. 6.19.1, 6.19.2)



**FINANCIAL IMPACT:**

There is no financial impact associated with this item.

**CEQA:**

The recommended action does not constitute a project because it does not have the potential resulting in the direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

Attachment 1: GP-6.11.1,6.11.2, 6.19.1, 6.19.2

**UNCLASSIFIED MANAGER:**

Stan T. Yamamoto, 408-630-2755

## Complaint by Board Members Against Board Members

### **Current**

#### 6.11. Investigations

6.11.1. If the Committee determines that an investigation is warranted, upon notification of the Board, District Counsel may be directed to conduct the investigation. District Counsel may select and manage an independent investigator to assist in conducting this investigation.

### **As amended**

6.11.1 If the Committee determines that an investigation is warranted, upon notification of the Board, District Counsel may be directed to conduct the investigation. District Counsel may select and manage an independent investigator.

Alternatively, the Committee may select and manage an independent investigator to conduct the investigation and may select an independent third-party project manager to manage the independent investigator through the course of the investigation. The Committee shall have the authority to terminate any investigation.

## **Current**

6.11.2. In the course of the investigation, District Counsel shall determine the process by which statements are taken. District Counsel may allow witnesses to choose to provide a signed declaration under penalty of perjury attesting to their knowledge of the facts surrounding the complaint.

## **As Amended**

6.11.2. In the course of the investigation, District Counsel or the third-party project manager shall determine the process by which statements are taken.

District Counsel or the third party project manager may allow witnesses to choose to provide a signed declaration under penalty of perjury attesting to their knowledge of the facts surrounding the complaint.

## Complaints from non-Board members

### **Current**

6.19.1. If the Chair or Vice Chair determines that an investigation is warranted, upon notification of the Board, District Counsel may be directed to conduct the investigation. District Counsel may select and manage an independent investigator to assist in conducting the investigation.

Alternatively, at the discretion of the Chair or Vice Chair, the Board's Ethics and Conduct Ad Hoc Committee (as described in Section 6.9.2 of the Board's Governance Policies) shall select an independent investigator to conduct the investigation.

### **As Amended**

6.19.1. If the Chair or Vice Chair determines that an investigation is warranted, upon notification of the Board, District Counsel may be directed to conduct the investigation. District Counsel may select and manage an independent investigator to assist in conducting the investigation.

Alternatively, at the discretion of the Chair or Vice Chair, the Board's Ethics and Conduct Ad Hoc Committee (as described in Sections 6.9.2 of the Board's Governance Policies) may select an independent investigator to conduct the investigation and a third party project manager to manage the investigation. The Committee shall have the authority to terminate any investigation.

### **Current**

6.19.2. In the course of the investigation, District Counsel shall determine the process by which statements are taken. A witness may choose to provide a signed declaration under penalty of perjury attesting to his/her knowledge of the facts surrounding the complaint. Within ninety (90) days of the date an investigation begins, District Counsel shall inform the Board of the investigations progress. Investigations should be completed within six (6) months from the date the investigation begins; however, in the event the investigation cannot be completed within the six (6) month time period, District Counsel shall so notify the Board.

### **As Amended**

6.19.2. In the course of the investigation, District Counsel, or at the discretion of the Board's Ethics and Conduct Ad Hoc Committee a third-party project manager, shall determine the process by which statements are taken. A witness may choose to provide a signed declaration under penalty of perjury attesting to his/her knowledge of the facts surrounding the complaint. Within ninety (90) days of the date an investigation begins, District Counsel or the third-party project manager shall inform the Board of the investigations progress. Investigations should be completed within six (6) months from the date the investigation begins; however, in the event the investigations cannot be completed within the six (6) month time period, District Counsel or third party project manager shall so notify the Board.



# Santa Clara Valley Water District

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**File No.:** 20-1034

**Agenda Date:** 11/24/2020

**Item No.:** \*4.4.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Planning for the Year 2021-22 Board Strategic Planning Meeting (PREVIOUSLY LISTED AS ITEM 4.3).

### **RECOMMENDATION:**

Discuss and provide input to shape the agenda and process for the Board Strategic Planning Meeting for Fiscal Year 2021-22 (FY22).

### **SUMMARY:**

This item is presented for the Board to provide input into the agenda and process for the Board Strategic Planning Meeting for FY22.

At their October 26, 2020 meeting, the Board Policy and Planning Committee (BPPC) discussed and provided initial input into a FY22 Board Policy and Planning meeting, as follows:

- The session should be formatted to engage the Board in a review of the current FY21 Board Work Plan and ultimately provide an updated report with generally the same goals and strategies for the FY22 plan.
- An outside facilitator should be engaged to run the session and assist in the review process.
- If needed, a special meeting should be scheduled in January 2021 for the planning session.

The BPPC suggests that a second strategy session be held in August or September of 2021 to outline a process to transition to a two-year plan that will align with the two-year budget cycle planned to begin in Fiscal Year 2022-23 (FY23).

The BPPC also suggested that the FY23 two-year strategic planning session include additional community engagement to ensure that the Board is capturing their requests and needs.

### **FINANCIAL IMPACT:**

Estimated funding in the amount of \$22,800 for an outside facilitator, if the Board chooses to use one, is included in the Fiscal Year 2020-21 Clerk of the Board Services budget, Project 60301001.

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**File No.:** 20-1034

**Agenda Date:** 11/24/2020  
**Item No.:** \*4.4.

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**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

None.

**UNCLASSIFIED MANAGER:**

Rick Callender, 408-630-2017



# Santa Clara Valley Water District

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**File No.:** 20-1074

**Agenda Date:** 11/24/2020  
**Item No.:** \*4.5.

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## BOARD AGENDA MEMORANDUM

**SUBJECT:**

Review Fiscal Year 2021 Board Policy Planning Calendar (PREVIOUSLY LISTED AS ITEM 4.4).

**RECOMMENDATION:**

Review, discuss and revise the Fiscal Year 2021 Board Policy Planning Calendar.

**SUMMARY:**

This item provides the Board an opportunity to review, discuss and revise the Fiscal Year 2021 Board Policy Planning Calendar (FY21 Board Calendar) and identify appropriate items for Board Committee work plans for discussion and feedback to the Board.

The current FY21 Board Calendar is attached for Board review.

**FINANCIAL IMPACT:**

There is no financial impact associated with this item.

**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

Attachment 1: FY21 Board Calendar

**UNCLASSIFIED MANAGER:**

Michele King, 408-630-2711



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## DRAFT FY21 VALLEY WATER BOARD POLICY PLANNING CALENDAR

FY21 Board Work Plan			Board Committee	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
1.	Actively Pursue Water Storage Opportunities	• Sites Reservoir Phase 2 Years 2/3 Participation Decision	Water Storage Exploratory Committee			C	S							
		• Los Vaqueros Expansion Project (Amendment #2)	Water Storage Exploratory Committee	C			S							
		• Los Vaqueros Expansion Project (JPA Formation)	Water Storage Exploratory Committee						R			R		
2.	Actively Participate in Decisions Regarding the CA Delta Conveyance	• Decision on next level of funding, determination of VW participation level, DCA agreement amendment				R/S								
3.	Lead Recycled and Purified Water Efforts with Committed Partners	• South County Recycled Water Governance	Recycled Water Committee		C	R					R			
		• Negotiations with cities of San Jose and Santa Clara	Recycled Water Committee		C	C		C		C	R			
		• P3	Recycled Water Committee		R	C		C	R	C	R			
		• Countywide Water Reuse Master Plan	Recycled Water Committee	R				C			C			
4.	Engage and Educate the Community, Elected Officials and Staff on Future Water Supply Strategies in Santa Clara County	• Water Demand Projection	Water Conservation and Demand Management Committee		C	R								
		• Water Supply Master Plan/Monitoring and Assessment Plan (MAP)	Water Conservation and Demand Management Committee		C	R								
5.	Advance Anderson Dam Seismic Retrofit Project	• Alternative Contracting		R										
6.	Protect and maintain existing assets and infrastructure	• Second amendment to CVP Contract					S							
		• CVP Contract conversion under WIIN Act								R				
		• SWP Contract amendment to add "Water Management Tools"					S							
7.	Pursue opportunities to improve internal capacity to acquire regulatory permits	• Work-Study Session w/Regulators	SF Bay Reg. WQB Mtg			I								
8.	Attain Net Positive Impact on the Environment When Implementing Flood Protection and Water Supply Projects	• One Water Countywide Framework	Board Policy and Planning Committee					C		R				
		• Ends Policy Review	Board Policy and Planning Committee				C		R					
9.	Promote the Protection of Creeks, Bay and Other Aquatic Ecosystems from Threats of Pollution and Degradation	• Revisions to the Water Protection Ordinance	Board Policy and Planning Committee				C		R					
		• Updated Trails Policy	Board Policy and Planning Committee						C	R				

Board Meetings  
R = Regular  
S = Special  
C = Committee  
X = Closed  
I = Information

## DRAFT FY21 VALLEY WATER BOARD POLICY PLANNING CALENDAR

FY21 Board Work Plan			Board Committee	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
10.	Continue FAHCE	• Update on Guadalupe River and Stevens Creek	FAHCE Committee							R				
		• Review of FAHCE Committee Structure and Purpose	FAHCE Committee		C	C	R							
11.	Advance Diversity and Inclusion	• Racial Equity, Diversity and Inclusion Master Plan	D&I Ad Hoc Committee								R			
12.	Maintain Appropriate Staffing Levels and Expertise	• Project Labor Agreement	PLA Working Group					R						
		• Long-Term Staffing Master Plan							C		C			
13.	Provide Affordable and Cost-Effective Level of Services	• Customer Assistance Program			R									
		• FY20-21 Budget Review related to COVID-19 Impacts & Mid-Year Increase Decision			R									
		• FY20 Unaudited Actuals Review & Comprehensive Annual Financial Report (CAFR) Review			R					R				
		• Budget Committee Benchmarking and Proposal							R					
		• FY 21-22 Water Rate Setting Process							R	R	R		R	R
		• FY 21-22 Budget Setting Process							R		R	R	R	R
14.	Address Future Impacts of Climate Change to Valley Water's Mission and Operations	• Climate Change Action Plan (CCAP)	Board Policy and Planning Committee				C		R					
15.	Other Notable Policy and Board Actions	• Office of Government Relations Annual Legislative and Policy Proposals				R								
		• Civic Engagement Outreach and Tracking Poll	Recycled Water Committee		C									
		• Civic Engagement Grant Program funding recommendations										R		
		• Redistricting Plan: Process, Criteria, and Advisory Committee							R	R				

Board Meetings  
R = Regular  
S = Special  
C = Committee  
X = Closed  
I = Information

## DRAFT FY21 VALLEY WATER BOARD POLICY PLANNING CALENDAR

Board Committee(s) Recommended Items (Committee Not Assigned to Board Work Plan Items)			Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
1.	Audit Committee	• Grants Management Audit Report			C								
		• Board Audit Committee Charter Update			R								
		• Contracts Improvement Process Update				C							
2.	Policy and Planning Committee	• FY20-21 Board Work Plan	R										
		• FY20-21 Board Policy Planning Calendar	R	C	R								
		• E-2 Water Supply			C		C		C				
		• E-3 Flood Protection											
		• E-4 Environmental Stewardship		C		C	R						
		• FY22 Strategic Planning Workshop				R		R					
3.	Capital Improvement Program (CIP)	• Preliminary FY21-22 Five-Year Capital Improvement Program					C	R					
		• FY21-22 Five-Year CIP Adoption Process							R		R	R	

Items Regularly Monitored by Board			Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
1.	BAO Performance		X	X	X		X		X		X		X
2.	BAO Compensation												
3.	Board Expense Report				R				R				R
4.	Board Self-Assessment				R								

Board Member(s) Requested Items			Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
1.	Santos	Two-Year Budget	R										
2.	Santos	District Financial/Investment Status (To be Combined with FY20-21 Budget Review)		R									
3.	Varela, Santos, Kremen	Fire Suppression Efforts					X						
4.	Hsueh	Structure and Scope for Budget Committee					R						

Board Meetings  
R = Regular  
S = Special  
C = Committee  
X = Closed  
I = Information

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# Santa Clara Valley Water District

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**File No.:** 20-1075

**Agenda Date:** 11/24/2020  
**Item No.:** \*4.6.

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## BOARD AGENDA MEMORANDUM

**SUBJECT:**

Board Committee Reports (PREVIOUSLY LISTED AS ITEM 4.5).

**ATTACHMENTS:**

- \*Handout 4.6-A: 102120 BAC Summary
- \*Handout 4.6-B: 110920 WSEC Summary
- \*Handout 4.6-C: 110920 CIP Summary
- \*Handout 4.6-D: 112020 RWC Agenda
- \*Handout 4.6-E: 112320 BPPC Agenda
- \*Handout 4.6-F: 120220 IMC Agenda

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**TO:** Board of Directors  
**FROM:** Board Audit Committee  
**SUBJECT:** 10/21/2020 Board Audit Committee Meeting Notes Summary  
**DATE:** November 12, 2020

---

This memorandum summarizes the Board Audit Committee (Committee) meeting held on October 21, 2020, where the following work plan Items were discussed:

4.1 Receive an Update on the Status of the Safe, Clean Water Program Grant Management Audit.

Recommendation: Receive an update on the status of the on-going Safe, Clean Water Program Grant Management Audit.

Mr. Drummond Kahn, and Ms. Greta MacDonald, TAP International Inc. (TAP), reviewed the information on this Item, per the attached Committee Agenda Memorandum, and the corresponding presentation materials contained in Attachment 1 were reviewed by TAP as follows: Mr. Kahn reviewed Slides 1 through 3; and Ms. MacDonald reviewed Slides 4 through 7.

The Committee noted the information without formal action and requested the following:

- Staff to place the progress report item on the November 18, 2020 Committee meeting agenda.

4.2 Approve the Final Audit Report for the Real Estate Services Audit for Presentation to the Full Board.

Recommendation: Approve the final audit report for the Real Estate Services Audit and direct staff and TAP International, Inc. to present to the full Board at a future Board meeting.

Ms. Denise Callahan, TAP International, Inc., reviewed the information on this Item, per the attached Committee Agenda Memorandum.

The Committee considered the attached Final Audit Report for the Real Estate Services Audit for Presentation to the full Board, and it was moved by Director LeZotte, seconded by Director Kremen, and unanimously carried that staff bring to the full Board the Final Audit Report for the Real Estate Services Audit for presentation to the full Board at the next available Board meeting, by roll call vote.

4.3 Receive and Discuss the District Counsel Audit Draft Report.

Recommendation: A. Receive and Discuss the District Counsel Audit Draft Report; and  
B. Approve Issuance of District Counsel Audit Draft Report.

Ms. Callahan reviewed the information on this Item, per the attached Committee Agenda Memorandum, and Ms. Kate Kousser, TAP International, Inc., reviewed the information contained in Attachment 1.



The Committee noted the information and requested the following:

- TAP to make updates to the report for the term “entrepreneurial” and research Master Services Agreements for legal firms, TAP will issue the report to the District Counsel to kick-off the 15-day management response.

The Committee considered the attached District Counsel Audit Draft Report, and it was moved by Director LeZotte, seconded by Director Kremen, and unanimously carried the issuance of District Counsel Audit Draft Report, by roll call vote.

4.4 Review and Approve the Updated 2020 Board Audit Committee Work Plan.

- Recommendation:
- A. Review and Discuss topics of interest raised at prior Board Audit Committee (BAC) Meetings and make any necessary adjustments to the BAC Work Plan; and
  - B. Approve the updated 2020 BAC Work Plan.

Mr. Darin Taylor, Chief Financial Officer, reviewed the information on this Item, per the attached Committee Agenda Memorandum, and per the information contained in Attachment 1.

The Committee noted the information without formal action and requested the following:

- Staff to bring Line Item 100, Sponsorship Program, to the November 18, 2020 Committee meeting;
- District Counsel Classified Information item to be brought to the Committee at the December 16, 2020, Committee meeting; and
- Staff to add the progress report item for the Permitting Best Practices Audit to the November 18, 2020 Committee meeting agenda.

4.5 Recommend Updates to Annual Audit Work Plan.

- Recommendation: Discuss the Annual Audit Work Plan and approve any updates to recommend to the Board, if necessary.

Mr. Taylor reviewed the information on this Item, per the attached Committee Agenda Memorandum.

The Committee noted the information without formal action and requested the following:

- Staff to include updates as previously approved by the full Board as the updated attachment for this standing BAC agenda item.

5.1 Audit Report of the Water Utility Enterprise Funds for the Fiscal Year Ended June 30, 2019.

- Recommendation: Receive and discuss the Audit Report of the Water Utility Enterprise Funds for the Fiscal Year Ended June 30, 2019.

Mr. Taylor reviewed the information on this Item, per the attached Committee Agenda Memorandum.

The Committee noted the information without formal action and requested the following:

- Staff to draft a full Board agenda item for presentation at the next available Board meeting.

- 5.2 Discuss Strategy to Establish Additional Auditors via a Master Services Agreement in Conjunction with Options to Conduct the October 2021 Risk Assessment given that the Board Independent Auditing Services Agreement with TAP International expires on June 30, 2021.

Recommendation: Discuss strategy to establish additional auditors via a Master Services Agreement in conjunction with options to conduct the October 2021 Risk Assessment given that the Board Independent Auditing Services Agreement with TAP International expires on June 30, 2021.

Mr. Taylor reviewed the information on this Item, per the attached Committee Agenda Memorandum.

The Committee noted the information without formal action and requested the following:

- Staff to proceed with Mater Services Request for Proposal (RFP) for additional auditors to complement “Chief Audit Executive”;
  - Director Keegan, Brian Hopper, and TAP to make additional updates to the BAC Audit Charter; and
- Staff to bring Risk Assessment discussion back to the Committee at the December 16, 2020 Committee meeting.

Board member comments and suggestions can be forwarded to Mr. Max Overland, Assistant Deputy Clerk at (408) 630-2749 or by email to [moverland@valleywater.org](mailto:moverland@valleywater.org).

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# MEMORANDUM

FC 14 (01-02-07)

**TO:** Board of Directors  
**FROM:** Water Storage Exploratory Committee  
**SUBJECT:** Water Storage Exploratory Committee Meeting Summary for November 9, 2020  
**DATE:** November 24, 2020

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This memorandum summarizes agenda items from the regular meeting of the Water Storage Exploratory Committee held on November 9, 2020.

### **Attendees:**

Valley Water Board Members in attendance were: Director Gary Kremen-District 7, Director Richard P. Santos-District 3, and Director John L. Varela-District 1.

Valley Water Staff in attendance were: Antonio Alfaro, Aaron Baker, Erin Baker, Glenna Brambill, Debra Butler, Keila Cisneros, Jerry De La Piedra, Andrew Garcia, Vincent Gin, Samantha Greene, Andrew Gschwind, Christopher Hakes, Brian Hopper, Dana Jacobson, Katrina Jessop, Cindy Kao, Eric Leitterman, Michael Martin, Ryan McCarter, Steven Peters, Melanie Richardson, Metra Richert, Donald Rocha, Eli Serrano, Charlene Sun, Jing Wu, Bhavani Yerrapotu, and Beckie Zisser.

Guests in attendance were: Jerry Brown (Sites Authority), Thomas Francis, Danielle McPherson and Nicole Sandkulla (BAWSCA), Steve Jordan (BAWSCA/Purissima Hills Water District), Chung Fu Chang, Yuan Liu, Maureen Martin, Ph.D., and Marguerite Patil (Contra Costa Water District {CCWD}), Paul Sethy and John Weed (Alameda County Water District {ACWD}).

Public in attendance were: Mourad Attalla, Jim Bowley, D. Cramer, Laura Hidas, James Nelson, Javad Shafiei, C. M. Tompkison, and Gene Z.

### **ACTION ITEMS:**

#### **4.2 MONITORING AND ASSESSMENT PROGRAM 2020 EVALUATION OF LOS VAQUEROS RESERVOIR EXPANSION AND SITES RESERVOIR**

Mr. Vincent Gin, Ms. Samantha Greene and Ms. Cindy Kao reported on the following information:

#### **Summary from Agenda Memo:**

##### **Staff Recommendations**

##### *Los Vaqueros Reservoir Expansion Project*

Staff recommend continuing to participate in the next phase of Los Vaqueros Expansion Project (LVE). The storage component of LVE could provide an important storage diversification option, offering regional storage that would be more accessible during emergencies. The Transfer-Bethany Pipeline has the potential to provide operational flexibility in how Valley Water can receive its imported supplies and supports Valley Water's participation in other potential regional projects. Continuing to participate in the next phase of LVE provides Valley Water time to better evaluate the potential benefits of the project given the new MAP demands, including whether and how LVE could support Valley Water's water supply reliability.

##### *Sites Reservoir*

Staff recommends reducing Valley Water's requested yield from the Sites Reservoir Project (Sites) to 500 AF, corresponding to a 0.2% participation level in the project. The Water Supply Master Plan 2040 (Master Plan) considers the Sites project as a back-up to the Delta Conveyance Project, which is a Master Plan recommended project. Continuing a minimal participation in Sites allows Valley Water time to better evaluate Valley Water's

water supply reliability needs within the context of the new demands, re-evaluate Master Plan project costs and risks, and refine Valley Water's evaluation of Sites' and Master Plan projects' benefits and constraints.

## Background

Valley Water presented the Monitoring and Assessment Program 2020 (MAP) report to the Board of Directors (Board) on October 27, 2020, which included an updated demand forecast through 2040. The Water Supply Master Plan 2040 (Master Plan) demands were developed during the 2012-2016 drought and assumed a post-drought rebound to pre-drought water use. However, drought rebound has been limited, so Valley Water developed a new demand model as part of MAP that accounts for this lack of a full rebound. The MAP demand forecast being utilized for planning purposes is approximately 335 thousand AF (TAF) in 2040, which is 14% lower than the demand forecast in the Master Plan. Given the updated demand forecast, Valley Water is evaluating its participation in various projects, including the Los Vaqueros Expansion (LVE) Project and Sites Reservoir (Sites).

The Master Plan recommended a suite of projects that exceeded Valley Water's level of service goal to be prudent given future uncertainties with demands and supplies (Figure 1). In addition to the recommended projects, there are also alternate Master Plan projects in which Valley Water is participating in case a recommended project does not move forward or fails to achieve its assumed benefits (herein referred to as "back-up projects"). Recommended projects are included in Valley Water's water rates forecast while back-up projects are not included in Valley Water's water rates forecast. With the MAP demand forecast, the potential overinvestment in the Master Plan may be more acute. LVE and Sites both have cost-share decisions being considered by the Board on November 17, 2020. Therefore, Valley Water is re-evaluating participation in Sites (a back-up project) and LVE (Transfer Bethany Pipeline is a recommended project) considering the MAP demands.

*Figure 1. Master Plan Investment Strategy and Recommended Projects*

### **MASTER PLAN'S "ENSURE SUSTAINABILITY STRATEGY"**

- 1) Secure existing supplies and infrastructure:
  - a. Continue baseline projects (Vasona Pump Plant Upgrade, Rinconada Water Treatment Plant Reliability Improvement, dam seismic upgrades)
  - b. SWP portion of the Delta Conveyance Project (DCP)
- 2) Expand water conservation and reuse:
  - a. 24,000 acre-foot (AF) potable reuse project
  - b. Achieve 110,000 AF of conservation by 2040 (represents an additional 11,000 AF of conservation above the baseline).
- 3) Optimize the use of existing supplies and infrastructure:
  - a. Pacheco Reservoir
  - b. Transfer Bethany Pipeline

### Los Vaqueros Expansion Project

The LVE Project would expand Los Vaqueros Reservoir storage from 160 thousand acre-feet (TAF) to 275 TAF and build the Transfer-Bethany Pipeline to connect the reservoir to the State Water Project (SWP) South Bay Aqueduct (SBA) and the California Aqueduct. The LVE Project may provide Valley Water regional storage, new water through CCWD's diversion rights, and increased operational flexibility in the conveyance of imported water. Valley Water is considering a Second Amendment (A2) to the 2019 Multi-Party Agreement (MPA) to continue project development through 2021 with an additional cost share of between approximately \$800,000 and \$1 million. Funding will go towards making progress on permits, design, preparing services agreements, and the formation of the JPA. Valley Water presented A2 to the Water Storage Exploratory Committee (WSEC) in July and August 2020 and is scheduled to bring A2 to the full Board for consideration on November 17, 2020. Given the potential operational flexibility that the regional storage and conveyance of the project may provide, Valley Water staff recommends that the Board approve continued participation in the next phase of the project.

Through June 2020, Valley Water has spent approximately \$618,000 towards LVE Project cost-sharing for the WSIP application and project development, including in-kind labor costs. CCWD estimates the total LVE Project

development and construction 40-year life cycle costs to be \$868 million in constant 2018 dollars (\$513 million for storage and \$355 million for conveyance). The California Water Commission approved a Proposition 1 Water Storage Investment Program (Prop 1 WSIP) grant award of up to \$459 million for the LVE Project, including \$22.95 million in early funding. The U.S. Bureau of Reclamation (USBR) received \$2.155 million of federal funding for the LVE Project through the Water Infrastructure Improvements for the Nation (WIIN) Act for Fiscal Year (FY) 2020. CCWD and local area partners (LAPs) (Attachment 1) are continuing efforts to procure additional WIIN Act funding beyond FY 2020, ultimately seeking \$223 million in total. The rest of the project funding would come from the LAPs.

*LVE Storage and Conveyance*

Valley Water continues to work with CCWD and the LAPs to evaluate long-term participation levels, how it translates to water storage and/or supply benefits, costs, and risks. Many of these potential benefits depend on if and how much Valley Water participates in project storage or Transfer-Bethany Pipeline conveyance components. In addition, Valley Water is working with regional partners to evaluate how storage and conveyance components could support other regional projects, such as the Bay Area Regional Desalination Project and the Refinery Recycled Water Project.

Prior to the recent MAP report, Valley Water was working with CCWD to evaluate LVE storage as a means to diversify Valley Water’s out-of-county storage program or as a storage project that is in addition to our Water Supply Master Plan (WSMP) 2040 proposed investments (Figure 1). However, given the new demand forecast, Valley Water now recommends evaluating the project storage component solely as means to diversify Valley Water’s storage program. The strategic location of LVE storage may provide Valley Water an operational and emergency benefit; Valley Water staff are currently evaluating this option considering the revised demands.

Valley Water completed the preliminary evaluation of using LVE storage in addition to the recommended Master Plan projects (Table 1). Given Valley Water’s significant investments in storage (i.e., local groundwater and surface water storage and Semitropic Water Bank storage), its ability to utilize carryover storage in San Luis Reservoir, and the inclusion of Pacheco Reservoir project in the WSMP 2040 investment portfolio, the evaluation indicated Valley Water rarely filled LVE storage. However, if LVE storage is operated to diversify and add flexibility to Valley Water’s storage program, Valley Water may be able to better exercise the storage in LVE. Concept level costs in Table 1 also do not account for the recently negotiated reduced user fees for the CCWD and East Bay Municipal Utility District (EBMUD) existing infrastructure. A new cost evaluation is expected from CCWD in December 2020. “Valley Water expects the project benefit to potentially increase if used to diversify from existing storage projects and the costs to decrease compared to those reported in Table 1.”

**Table 1. Storage of Valley Water Supplies in LVE<sup>1</sup> (Concept level costs)**

<i>Preliminary Analysis</i>	<b>Dedicated Storage (30 TAF)</b>	<b>Pooled Storage (up to 20 TAF)</b>	<b>Transfer Bethany Only<sup>5</sup></b>
PV Life Cycle Cost to Valley Water (2019\$) <sup>2</sup>	\$200 Million	\$50 Million	\$50-250 Million
Average Storage Volume <sup>3</sup> (TAF/yr)	13	3	-
PV life cycle unit cost (\$/AF) <sup>2,4</sup>	\$1,000	\$1,300	\$700

<sup>1</sup> Costs and impacts shown only for LVE storage components, based on values from Valley Water’s Water Evaluation and Planning (WEAP) model and CCWD’s CalSim II model and Proforma 3.0 financial model.

<sup>2</sup> Present Value (PV) life cycle cost calculated using Valley Water’s 100-year life cycle cost methodology. LAPs have negotiated lower usage fees and CCWD is updating their financial model; Valley Water expects this to lower storage and conveyance costs.

<sup>3</sup> Average volume held in storage by Valley Water over 83-year CalSim II model period.

<sup>4</sup>Unit cost is calculated using the 100-year life cycle cost and the life cycle usable project supplies

<sup>5</sup>Assumes between a 1% to 7% share of Transfer Bethany Pipeline capacity.

Apart from storage, LVE includes the Transfer-Bethany Pipeline, which could potentially provide Valley Water additional operational flexibility and access to new water during wetter years. Preliminary model analysis of current LAP participation levels and planned infrastructure capacities suggest that Valley Water could use up to approximately 7% of the pipeline capacity. The current evaluation shows conveyance through Transfer Bethany Pipeline costs Valley Water approximately \$700 per AF and that Valley Water could have access to up to 6 TAF of new water during years with surplus conditions in the Delta. More analysis is underway to refine costs given the

updated usage fees and to determine if and how Valley Water could benefit from increased Transfer-Bethany Pipeline use, such as to convey imported water supplies other than Delta surplus and water stored in LVE (e.g., direct delivery of Central Valley Project [CVP] or SWP contract water, refinery recycled water exchange project water, etc.). This information will inform the JPA service agreements and Valley Water staff will provide this analysis to the WSEC for feedback to inform the service agreements discussions during 2021 and early 2022. JPA service agreements would be presented to the Board for consideration in late 2021 and early 2022.

#### *LVE Cost Share through December 2021*

The current project agreement executed on April 30, 2019 between CCWD and the LAPs included a cost-share commitment to expire on June 30, 2020. Valley Water signed the MPA Amendment 1 (A1) in June 2020 to extend the existing agreement through December 31, 2020. A1 was only a time extension and did not require any additional cost share. To continue project development through to when the JPA is formed, CCWD is requesting partners sign MPA A2 (Attachment 2). A2 extends the MPA through December 31, 2021, includes a revised scope of work, and requires an additional cost share to cover project costs through December 2021. The total cost for A2 is approximately \$6.1 million and the cost share to Valley Water is expected to be approximately between \$800,000 to \$1 million, depending on the number of LAPs that continue participation and the allocation approach. The allocation proposal is to share the total cost equally among the LAPs, same as the allocation approach in the MPA. The additional cost share in A2 will fund: JPA formation, preparation of service agreements, developing permits and agreements necessary to secure full WSIP funding, operational or conveyance issues identified by LAPs (e.g., SBA conveyance), 90% level of LVE Project design, and other critical path items as required. Executing A2 includes no commitment to join the JPA. Given that A2 is requesting a significant financial commitment, CCWD proposes to split the cost share into four payments: when the amendment is executed, November 2020, March 2021, and July 2021. If approved in November, the first two payments would be due. There are provisions that allow LAPs to withdraw at any time, and if a decision to withdraw is made prior to any one of the payment due dates, those future payments would not need to be made.

#### Sites Reservoir Project

Sites is a proposed new 1.5 million AF off-stream reservoir that would be located north-of-Delta (NOD), approximately 10 miles west of the town of Maxwell in Colusa County. Sites may provide Valley Water new storage, new Delta-conveyed water supplies, improved CVP/SWP reliability, and increased operational flexibility.

#### *Second Amendment to 2019 Project Agreement*

Valley Water is considering a Second Amendment to the 2019 Reservoir Project Agreement with Sites Project Authority (Sites A2) (Attachment 3) to support continued Phase 2 work activities from June 2020 through December 2021 (Phase 2, Years 2 and 3) based on a specific participation level. Execution of the Sites A2 obligates Valley Water to provide funding for continued work on Phase 2 of the Sites Project, provides Valley Water with a continuing seat on the Sites Reservoir Committee through December 2021, and gives Valley Water priority access to proportional water supply and storage benefits provided by the project.

The total budget for work from September 2020 through December 2021 is roughly \$40 million, of which about \$19 million is to be funded by participants through execution of Sites A2. The remaining budget is expected to be funded using Prop 1 WSIP early funding and funds secured from provisions under the WIIN Act.

Funding for Sites A2 will go towards completing draft EIR/EIS documents for public comment, developing guidelines for coordinated operations of Sites with the SWP and CVP, acquiring permits, developing the feasibility design, evaluating water rights issues, and further developing of Sites project policies and governance. The next phase is critical for satisfying requirements to secure Prop 1 WSIP funding.

To date, all participants except Valley Water have agreed to continue participation in the project. Attachment 4 lists the existing participants and their requested yields as well as two new potential participants. The Sites Project Authority requested a decision on project participation from Valley Water by November 2020. Valley Water presented Sites A2 to the Committee in July and August 2020 and is scheduled to bring Sites A2 to the full Board for consideration on November 17, 2020.

After execution of Sites A2, Valley Water can withdraw from the agreement with at least 30 days written notice. A withdrawing member would still be responsible for paying costs approved prior to the date of written notice of withdrawal.

*Sites Participation Level*

The Board approved a requested yield of 16,000 AF from the Sites project in February of 2019, which corresponds to a 3.2% participation level in the original \$6 billion project. Since that time, the project has been downsized from a 1.8 million AF to a 1.5 million AF storage facility, with a capital cost reduction from \$6 billion to \$3 billion. Staff evaluated several options for continued participation (Table 2):

- *Option 1 – Reduce but maintain significant benefits:* This option reduces Valley Water's requested yield from 16,000 AF to 7,800 AF while maintaining a 3.2% overall participation level in the downsized project.
- *Option 2 – Reduce participation by half:* This option reduces Valley Water's participation in the total project from 3.2% to 1.6%. This corresponds to a requested yield of 4,000 AF.
- *Option 3 – Reduce to a minimal participation level:* This option reduces Valley Water's requested yield to 500 AF, a level that does not provide significant benefits but that can maintain Valley Water's participation in the Sites Reservoir Project Committee, the governing body under the Sites JPA that is developing the project. This corresponds to a participation level in the total project of 0.2%.
- *Option 4 – Withdraw from the project:* Under this option, Valley Water would withdraw completely from the project.

Should Valley Water reduce or withdraw its participation, it may be possible to rejoin in the future if there is unsubscribed participation in the Project; however, reinstating first priority rights to the project benefits would be subject to approval of the Sites Project Reservoir Committee.

Sites may potentially provide significant quantities of additional water supply, storage, and operational flexibility. However, the current suite of water supply investments prioritized in the Master Plan, when coupled with the reduced demand forecast presented in the MAP, far exceed Valley Water's level of service goal. In addition, the Master Plan considers the Sites project as an alternative to the Delta Conveyance Project, which was a Master Plan recommended project, if the Delta Conveyance Project does not ultimately move forward. Therefore, staff is recommending Option 3, which includes a 0.2% participation in Sites. Staff recommends Option 3 rather than completely withdrawing to allow Valley Water time to better evaluate Valley Water's water supply reliability needs within the context of the new demands, re-evaluate Master Plan project costs and risks, and refine Valley Water's evaluation of Sites' and Master Plan projects' benefits and constraints.



Table 2: Comparison of Participation Options for the Sites Reservoir Project with Concept Level Costs

	Option 1	Option 2	Option 3	Option 4
	Maintain Participation	Reduce Participation in Half	Reduced Participation	Withdraw from Participation
<b>PARTICIPATION SIZE</b>				
Valley Water Share of Total Project Cost and Benefit	3.20%	1.60%	0.20%	0.00%
Valley Water Participation Request (AF) <sup>1</sup>	7,800	4,000	500	0
<b>PRELIMINARY ESTIMATED BENEFITS (STORAGE AND YIELD)</b>				
Valley Water Average Delivered Yield (AF) <sup>2</sup>	4,700 to 6,100	2,400 to 3,100	300 to 390	0
Valley Water Storage Share (AF)	45,000	23,000	2,800	0
<b>CONCEPT LEVEL COST</b>				
Valley Water Share of Total Capital Cost (Fully Inflated Dollars) <sup>3</sup>	\$125 Million	\$64 Million	\$8 Million	\$0 Million
Estimated Levelized Unit Cost (constant 2020 dollars/AF) <sup>4</sup>	\$600-800	\$600-800	\$600-800	-
PV Lifecycle Unit Cost (\$/AF) <sup>5</sup>	\$1,100-1,400	\$1,100-1,400	\$1,100-1,400	-
<b>Valley Water Funding Commitment</b>	<b>\$780 thousand</b>	<b>\$400 thousand</b>	<b>\$50 thousand</b>	<b>\$0</b>

<sup>1</sup>Value requested and used by Sites Project managers to calculate participation levels relative to other participants. Actual annual yield of the project will differ from participation level.

<sup>2</sup> Delivered yield assumes a 25% carriage water loss.

<sup>3</sup> Total Capital Cost published by the Sites Project were fully inflated by Valley Water financial staff to determine estimated construction costs.

<sup>4</sup> Levelized unit cost of water is the cost that, if assigned to every acre-foot of water produced (or saved) by the project over the operational period, will produce sufficient revenue to recover the cost of the project in present value terms. Calculated using Valley Water's 100-year life cycle cost, inputs from Sites Value Planning Report financial model, and preliminary estimated delivered yield to Valley Water.

<sup>5</sup> PV lifecycle unit cost is calculated using the Valley Water 100-year life cycle cost and the life cycle usable project supplies. Usable project supplies is the portion of the preliminary estimated delivered yield that can be used by Valley Water to meet demands.

The allocation of costs to the Sites Reservoir Committee members is outlined in the Sites A2. Maintaining Valley Water's participation level of 3.2% of total project (Option 1) would commit Valley Water to provide \$780,000 in funding; a participation level of 1.6% of total project (Option 2) would commit Valley Water to provide \$400,000 in funding; a participation level of 0.2% of total project (Option 3) would commit Valley Water to provide \$50,000 in funding; and a withdrawal from participation (Option 4) would commit Valley Water to no additional funding. This correlates to a commitment by Valley Water of \$100 dollars in funding per AF of participation. The Sites A2 funding is payable in two payments, with \$60 dollars per AF due in November 2020 and up to \$40 per AF due in April 2021.

On September 18, 2020, the Board received a non-agenda packet containing a memorandum on Sites which provides additional information on the planning level project financial analysis performed in development of the

preliminary estimated 100-year levelized unit cost for this project. A copy of this memorandum is provided as Attachment 5.

#### *Past Sites Project Funding*

Through September 2020, Valley Water has spent approximately \$1.96 million towards Sites cost-sharing for the Prop 1 WSIP application and project development. The California Water Commission approved a Prop 1 WSIP grant award of up to \$816 million for Sites, including \$40.82 million in early funding. The USBR received a total of \$10 million of federal funding for Sites through the WIIN Act. The U.S. Department of Agriculture approved a \$449 million loan for the Site's Maxwell water intertie conveyance facilities. Sites and project partners are continuing efforts to procure additional funding beyond 2021.

The Sites Project Authority, a joint powers authority, has adopted a credit reimbursement policy that provides for reimbursement to participants that reduce their participation level or withdraw from the project prior to Phase 3, provided that (1) the withdrawal is offset by additional funding provided by others, and (2) such reimbursement does not have an adverse impact on the financial viability or overall implementation of the project. Depending upon overall funding and support for the project, the policy may allow for partial or full reimbursement of Valley Water's past payments if Valley Water reduces or withdraws participation. If funding for the project is inadequate, Valley Water would not be reimbursed.

#### **Next Steps**

LVE project construction is expected to start in 2022, with the Transfer-Bethany Pipeline being constructed from 2023-2025. The Los Vaqueros dam raise, pumping facilities upgrades, and other conveyance improvements will be completed between 2027-2029.

In order to continue participating in LVE and Sites, Valley Water need to agree to project contract amendments and associated cost share agreements. For the LVE cost share agreement, Valley Water can withdrawal from the project at any time and not pay any of the future cost-share payments. The LVE cost-share funds project needs through 2021. Once the JPA is formed (which is expected in early 2021), the JPA will develop future cost-share agreements that would start January 2022. For Sites, the cost share funds the project through December 2021.

Over the next two years, Sites and LVE has many key decision points and milestones (Attachment 6). If the Board decides to continue participation in LVE and/or Sites, Valley Water will continue to track the key decision points and will return to the WSEC with project updates regularly.

The Committee (Directors Kremen, Santos and Varela) discussed the following: staff recommendations, JPA Agreement, long-term dependent on the Delta Conveyance, costs if Valley Water did not participate and impacts if agency chooses to participate at a later date, need to do a cost analysis, is staff time included in recommendations, and reminder to have electeds (Kremen/Santos), legal and staff present at the discussions.

Mr. Steve Jordan commended staff on a clear/concise presentation on LVE. Question on amount of project demand, bringing in options in case reduction happens and BAWSCA withdrew but pays through SFPUC.

Mr. Brian Hopper was available to answer questions.

The Committee took the following action.

The Committee unanimously approved that the Board consider the Committee's recommendation from staff:

- A. Receive and discuss Monitoring and Assessment Program 2020 information regarding the Los Vaqueros Reservoir Expansion Project, including the Transfer-Bethany Pipeline, and the Sites Reservoir Project.
- B. Recommend the Board consider authorizing the CEO to execute Amendment 2 to the 2019 Multi-Party Agreement for Los Vaqueros Reservoir Expansion Project, which includes a contract extension through December 2021 and a cost-share not to exceed \$1,013,661
- C. Recommend the Board consider authorizing the CEO to execute the Second Amendment to 2019 Reservoir Project Agreement for Sites Reservoir project for continued participation through December 2021 at a 0.2% participation level and funding commitment of \$50,000.

Staff Analysis:

Staff agreed with the Committee's recommendation and the items were brought to the Board on November 17, 2020 for approval.

If you have any questions or concerns, you may contact me at, [gbrambill@valleywater.org](mailto:gbrambill@valleywater.org) or 1.408.630.2408.

Thank you.

Glenna Brambill, Management Analyst II,  
Board Committee Liaison  
Office of the Clerk of the Board



TO: Board of Directors FROM: Capital Improvement Program Committee

SUBJECT: November 9, 2020 Capital Improvement Program Meeting Summary DATE: November 24, 2020

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This memorandum summarizes the Capital Improvement Program Committee (Committee) meeting held November 9, 2020, where the following workplan items were discussed:

### **1. Capital Project Monitoring – Projects under Planning and Feasibility Phase**

The Committee received updates on capital projects in the planning and feasibility phase:

- Water Supply: No significant budget or schedule issues.
- Flood Protection: No significant budget or schedule issues.
- Water Resources Stewardship:
  1. Salt Ponds A5-11 Restoration: Feasibility study is planned for board discussed in December.
  2. Stevens Creek Fish Passage Barrier Analysis and Ogier Ponds Planning Study: No significant budget or schedule issues.
  3. Metcalf Pond Feasibility Study: MOA with County of Santa Clara is delayed.

### **2. Follow-up Review of the Capital Project Delivery Process**

The Committee received an update on the Capital Project Delivery Process, which included additional Board engagement points as requested by the Committee. Staff will move forward to present this information to the entire Board.

### **3. Review Significant Project Plan Updates Since the Fiscal Year 2021-25 Capital Improvement Program was adopted by the Board.**

In preparation for the Preliminary FY 2022-26 CIP, the Committee received information on proposed changes to 19 projects in the current CIP. These proposed changes will impact the financial analyses that are needed for water rate setting and budget preparation.

The Committee requested staff and Recycled Water and Storage Board Committees to recommend reasonable implementation plans for the Recycled Water Program and Pacheco Reservoir to be included in the Preliminary CIP. It is recognized that the status of these programs are fluid and we should be prepared for adjustments during the development stage of the CIP and budget.

### **4. Receive Information on Upcoming Consultant Agreement Amendments for Capital Projects.**

The Committee was briefed on proposed amendments to the following consultant agreements:

- Amendment No. 6 to agreement with RMC Water and Environment for additional design services an engineering support during construction of Upper Llagas Creek Flood Protection Project incorporates administrative changes.
- Amendment No. 8 to agreement with URS Corporation for engineering design services for the Anderson Dam Seismic Retrofit Project will enable Valley Water's continued compliance with the 2/20/20 FERC order.

11/24/20

- Amendment No. 9 to agreement with Black and Veatch Corporation for project management services for the Anderson Dam Seismic Retrofit Project will enable Valley Water's continued compliance with the 2/20/20 FERC order.

Board member comments and suggestions can be forwarded to Natalie Dominguez, Assistant Deputy Clerk II, by email to [ndominguez@valleywater.org](mailto:ndominguez@valleywater.org).

Thank you.

*Nai Hsueh*

Director, District 5  
Capital Improvement Program Committee Chairperson

/nfd



## Santa Clara Valley Water District Recycled Water Committee Meeting

Teleconference Meeting  
5700 Almaden Expressway  
San Jose, CA 95118

### REGULAR MEETING AGENDA

Friday, November 20, 2020  
11:00 AM

**District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.**

#### RECYCLED WATER COMMITTEE

Tony Estremera - District 6, Chair  
Barbara Keegan - District 2, Vice  
Chair  
Gary Kremen - District 7, Member

The Recycled Water Committee was enacted to develop long-term proposals with local agencies on recycled water within district boundaries, and to establish a collaborative process for policy discussion and information sharing. It meets individually with other entities (Sunnyvale, Palo Alto, CSJ SC/TPAC) as required/necessary, and can meet with new entities if needed. Public records for this Committee are available for inspection in the Clerk of the Board's Office, 5700 Almaden Expressway, San Jose, CA 95118. Materials are available to the public at the same time they are made available to the committee. The District will make reasonable efforts to accommodate persons with disabilities wishing to attend meetings. Please advise the Clerk of the Board of any special needs by calling (408) 265-2306.

GARTH HALL  
Committee Liaison

EVA SANS  
Assistant Deputy Clerk II  
Office/Clerk of the Board  
(408) 265-2306  
esans@valleywater.org

**Note: The finalized Board Agenda, agenda items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.**

**Santa Clara Valley Water District  
Recycled Water Committee  
REGULAR MEETING  
AGENDA**

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Friday, November 20, 2020

11:00 AM

Teleconference Meeting

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**IMPORTANT NOTICES**

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 issued on March 17, 2020 that allows attendance by members of the Committee, staff, and the public to participate and conduct the meeting by teleconference, videoconference, or both.

Members of the public wishing to address the Committee during a video conferenced meeting on an item not listed on the agenda, or any item listed on the agenda, should use the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in the order requests are received and granted speaking access to address the Committee.

Santa Clara Valley Water District (Valley Water) in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in Valley Water Committee meetings to please contact the Clerk of the Board's office at (408) 630-2711, at least 3 business days before the scheduled meeting to ensure that Valley Water may assist you.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq. and has not been prepared with a view to informing an investment decision in any of Valley Water's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water's bonds, notes or other obligations and investors and potential investors should rely only on information filed by Valley Water on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at <https://emma.msrb.org/> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

**Join Zoom Meeting**

**<https://valleywater.zoom.us/j/96590991011>**

**Meeting ID: 965 9099 1011**

**Join by Phone:**

**+1 669 900 9128 US (San Jose); 965 909 91011#**

**1. CALL TO ORDER.**

1.1 Roll Call.

**2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.**

*Notice to the Public: Members of the public who wish to address the Committee on any item not listed on the agenda should access the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in order requests are received and granted speaking access to address the Committee. Speakers comments should be limited to three minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Committee may take action on any item of business appearing on the posted agenda.*

**3. APPROVAL OF MINUTES:**

3.1. Approval of Minutes.

[20-0938](#)

Recommendation: Approve the minutes of the September 23, 2020 meeting.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 092320 Minutes](#)

Est. Staff Time: 5 Minutes

**4. ACTION ITEMS:**

4.1. Countywide Water Reuse Master Plan (Reuse Master Plan) Update.

[20-0939](#)

Recommendation: Receive information on the status, findings, and next steps for the Countywide Water Reuse Master Plan.

Manager: Jerry De La Piedra, 408-630-2257

Attachments: [Attachment 1: PowerPoint](#)  
[Attachment 2: Draft Final CoRe Plan](#)  
[Attachment 3: Draft Final CoRe Plan Appendices](#)

Est. Staff Time: 10 Minutes



- 4.2. Update on Purified Water Program including Partnerships with Cities of San Jose/Santa Clara and Palo Alto/Mountain View. [20-0940](#)  
Recommendation: Receive information and discuss next steps.  
Manager: Jerry De La Piedra, 408-630-2257  
Est. Staff Time: 10 Minutes
- 4.3. Update on the Public/Private Partnership Procurement Plan Schedule for Purified Water Projects. [20-0942](#)  
Recommendation: A. Receive information on major milestones for the Public/Private Partnership (P3) procurement plan schedule for purified water projects; and  
B. Provide direction to staff regarding approach.  
Manager: Roslyn Fuller, 408-630-2379  
Attachments: [Attachment 1: PowerPoint](#)  
Est. Staff Time: 10 Minutes
- 4.4. Discuss the 2020 Recycled Water Committee Work Plan, Upcoming Discussion Items, and Next Meeting Dates. [20-0943](#)  
Recommendation: Accept the updated 2020 Recycled Water Committee Work Plan and provide feedback on upcoming discussion items and meeting schedule.  
Manager: Michele King, 408-630-2711  
Attachments: [Attachment 1: Updated FY 2020 Committee Work Plan](#)  
Est. Staff Time: 5 Minutes

**5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.**

*This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.*

**6. ADJOURN:**

- 6.1. Adjourn to Regular Meeting at 12:00 p.m., on December 23, 2020, to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20.



# Santa Clara Valley Water District Board Policy and Planning Committee Meeting

Teleconference Zoom Meeting

## REGULAR MEETING AGENDA

**Monday, November 23, 2020  
2:00 PM**

**District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.**

BOARD POLICY AND PLANNING  
COMMITTEE

Nai Hsueh - District 5, Committee  
Chair

Barbara Keegan - District 2,  
Committee Vice Chair

Linda J. LeZotte, District 4

The Board Policy and Planning Committee provides support to the Board in the areas of Board planning process; Board Committees' principles and structures; Board and organization performance monitoring and; other tasks assigned by the Board.

Public records for this Committee are available for inspection in the Clerk of the Board's Office, 5700 Almaden Expressway, San Jose, CA 95118. Materials are available to the public at the same time they are made available to the Committee. The District will make reasonable efforts to accommodate persons with disabilities wishing to attend meetings. Please advise the Clerk of the Board of any special needs by calling (408) 265-2600.

COMMITTEE CLERK

Michele L. King, CMC  
Clerk, Board of Directors

**Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.**

**Santa Clara Valley Water District  
Board Policy and Planning Committee**

**REGULAR MEETING  
AGENDA**

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Monday, November 23, 2020

2:00 PM

Teleconference Zoom Meeting

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IMPORTANT NOTICES

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 issued on March 17, 2020 that allows attendance by members of the Committee, staff, and the public to participate and conduct the meeting by teleconference, videoconference, or both.

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This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq. and has not been prepared with a view to informing an investment decision in any of Valley Water's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water's bonds, notes or other obligations and investors and potential investors should rely only on information filed by Valley Water on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at <https://emma.msrb.org/> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

**Join Zoom Meeting**

**<https://valleywater.zoom.us/j/97064725908>**

**Meeting ID: 970 6472 5908**

**One tap mobile**

**+16699009128,,97064725908# US (San Jose)**

**Dial by your location**

**+1 669 900 9128 US (San Jose)**

**Meeting ID: 970 6472 5908**

**1. Roll Call.**

**2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.**

*Notice to the Public: Members of the public who wish to address the Committee on any item not listed on the agenda should access the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in order requests are received and granted speaking access to address the Committee. Speakers comments should be limited to three minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Committee may take action on any item of business appearing on the posted agenda.*

**3. APPROVAL OF MINUTES:**

3.1. Approval of Minutes.

[20-1039](#)

Recommendation: Approve the October 26, 2020 minutes.

Manager: Michele King, 408-630-2711.

Attachments: [Attachment 1: October 26, 2020 Minutes.](#)

**4. INFORMATION AND ACTION ITEMS:**

4.1. Discuss Proposed Modifications to Board Governance Ends Policy General Principles E-1 and Glossary to Add Environmental Justice Language.

[20-1038](#)

Recommendation: Review and provide feedback on draft modifications to Board Governance Ends Policy General Principles E-1 and the Glossary relative to environmental justice.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Draft Amendment to General Principles and Glossar](#)  
[Attachment 2: Draft amendment to General Principles and Glossar](#)  
[Attachment 3: PowerPoint](#)

4.2. Discuss Board Governance Ends Policy E-4. [20-1041](#)

Recommendation: Review and provide feedback on the draft revised Board Governance Ends Policy E-4.

Manager: Lisa Bankosh, 408-630-2618

Attachments: [Attachment 1: Revised Draft Ends Policy E-4](#)

4.3. Climate Change Action Plan and Climate Change Ends Policy E-5. [20-1042](#)

Recommendation: Review and provide input on the draft Climate Change Ends Policy E-5 and receive an update on the Climate Change Action Plan development process.

Manager: Lisa Bankosh, 408-630-2618

Attachments: [Attachment 1: Draft Ends Policy E-5](#)  
[Attachment 2: CCAP Summary](#)  
[Attachment 3: PowerPoint](#)

4.4. Work Plan, Meeting Schedule and Accomplishments Report. [20-1040](#)

Recommendation: A. Review the Board Policy and Planning Committee's Work Plan and Accomplishments Report and incorporate any new tasks; and  
B. Schedule Committee meetings as appropriate.

Manager: Michele King, 408-630-211.

Attachments: [Attachment 1: 2020 BPPC Work Plan & Accomplishments Report](#)

**6. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.**

*This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.*

**7. ADJOURN:**

7.1. Adjourn to Regular Meeting at 2:00 p.m., on December 28, 2020, in the Santa Clara Valley Water District Board Conference Room A-124, 5700 Almaden Expressway, San Jose, California.



## Santa Clara Valley Water District SCW Independent Monitoring Committee Meeting

Teleconferencing Zoom

**Join Zoom Meeting**

**<https://valleywater.zoom.us/j/93168405874>**

### REGULAR MEETING AGENDA

**Wednesday, December 2, 2020  
4:00 PM**

**District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.**

SAFE, CLEAN WATER  
INDEPENDENT MONITORING  
COMMITTEE

COMMITTEE OFFICERS:  
Kit Gordon, Committee Chair  
Bill Hoeft, Committee Vice Chair

All public records relating to an item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the Clerk of the Board at the Santa Clara Valley Water District Headquarters Building, 5700 Almaden Expressway, San Jose, CA 95118, at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to attend IMC meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

Glenna Brambill,  
Committee Liaison  
gbrambill@valleywater.org

BOARD REPRESENTATIVES:  
Nai Hsueh, Board Representative  
Tony Estremera, Board Alternate

**Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.**

**Santa Clara Valley Water District  
SCW Independent Monitoring Committee**

**REGULAR MEETING  
AGENDA**

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Wednesday, December 2, 2020

4:00 PM

Teleconferencing Zoom

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**IMPORTANT NOTICES**

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 issued on March 17, 2020 that allows attendance by members of the Committee, staff, and the public to participate and conduct the meeting by teleconference, videoconference, or both.

Members of the public wishing to address the Committee during a video conferenced meeting on an item not listed on the agenda, or any item listed on the agenda, should use the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in the order requests are received and granted speaking access to address the Committee.

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- 1. Call to Order.**
- 2. Roll Call.**

3. **TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.** *Notice to the Public: Members of the public who wish to address the Committee on any item not listed on the agenda should access the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in order requests are received and granted speaking access to address the Committee. Speakers comments should be limited to two minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Committee may take action on any item of business appearing on the posted agenda.*
4. **Election of Chair and Vice Chair.** [20-1024](#)  
Recommendation: Elect the 2021 Chair and Vice Chair  
Est. Staff Time: 10 Minutes
5. **Approval of Minutes.** [20-1025](#)  
Recommendation: Approve 02122020 SCW IMC Meeting Minutes  
Attachments: [Attachment 1: 02122020 SCW IMC DRAFT Mins](#)  
Est. Staff Time: 5 Minutes
6. **Independent Monitoring Committee (IMC) Requested Presentations and Information.** [20-1026](#)  
Recommendation: Receive project updates as requested by the IMC during its Year 6 review cycle.  
Attachments: [Attachment 1: IMC Anderson ppt](#)  
[Attachment 2: Coyote Creek presentation.pptx](#)  
[Attachment 3: Shoreline ppt](#)  
[Attachment 4: Salt Ponds ppt](#)  
Est. Staff Time: 20 Minutes
7. **Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee Review Process and Schedule for Fiscal Year 2020 Annual Report.** [20-1027](#)  
Recommendation: Receive information regarding the Safe, Clean Water report cycle and Subcommittee schedule dates for review and reporting, as requested by the Committee.  
Attachments: [Attachment 1: SCW FY20 Annual Report ppt](#)  
[Attachment 2: SCW IMC Subcommittee](#)  
Est. Staff Time: 15 Minutes



[20-1028](#)

**8. Annual Report Finalization and Next Steps.**

Recommendation: Receive and approve proposed schedule for finalizing the Independent Monitoring Committee (IMC) Annual Report and presentation of the Report to the Board of Directors.

Attachments: [Attachment 1: Review Tentative Schedule 20-1028](#)

Est. Staff Time: 10 Minutes

**9. Outcome of Public Hearing on the Proposed Modifications to Project E6: Upper Llagas Creek Flood Protection Project.**

[20-1047](#)

Recommendation: Receive Overview on Outcome of Public Hearing on the Proposed Modifications to Project E6: Upper Llagas Creek Flood Protection Project; and the Board decision on funding Coyote Creek Flood Protection (Other) and E4: Upper Penitencia Creek Flood Protection Projects of the Safe, Clean Water and Natural Flood Protection Program.

Attachments: [Attachment 1: Upper Llagas Creek KPI Modification.pdf](#)

Est. Staff Time: 15 Minutes

**10. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.**

*This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.*

**11. ADJOURN:**

11.1 Adjourn to Regular Meeting at 4:00 p.m., on Wednesday, January 27, 2021.



# Santa Clara Valley Water District

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**File No.:** 20-1020

**Agenda Date:** 11/24/2020

**Item No.:** 5.1.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Overview of the FY 2021-22 Groundwater Production Charge Setting Process and Review of 10-Year Water Rate Projection Assumptions.

### **RECOMMENDATION:**

- A. Receive an overview of the Fiscal Year 2021-22 Groundwater Production Charge setting process; and
- B. Review and provide feedback on the 10-year Water Rate Projection Assumptions.

### **SUMMARY:**

This agenda item presents the Fiscal Year (FY) 2021-22 groundwater production charge setting process and provides an update on key issues that pertain to setting the charges that would take effect July 1, 2021 (Attachment 1).

Each year, the Board establishes groundwater production charges for four zones of benefit (Zone W-2 in the North County and Zones W-5, W-7, and W-8 in the South County) in accordance with Section 26 of the District Act. Although not specified under the District Act, the Board also sets surface water charges, recycled water charges, treated water surcharges, and the amount of the State Water Project cost to be recouped through the State Water Project tax, within the framework of the groundwater charge setting process.

The Water Utility taxing and pricing policy, Resolution 99-21 (Attachment 2) and legal requirements, guide staff in the development of the overall structure for these charges.

The FY 2021-22 surface water charge setting process will be conducted consistent with Proposition 218's requirements for property-related fees for water services as detailed in Board Resolution 12-10 (Attachment 3).

In late 2017, the State Supreme Court found that proposition 218 is not applicable to groundwater production charges. However, the Court did determine that Proposition 26 does apply to groundwater charges. This means that for the groundwater charge to qualify as a nontax fee under Proposition 26, it must satisfy both of the following requirements:

1. That the groundwater charge be established in an amount that is no more than necessary to cover the reasonable costs of the government activity, and

2. The manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from the government activity.

The FY 2021-22 groundwater production charge setting process will be conducted consistent with Proposition 26 requirements. Procedural requirements for property related fees and charges under Proposition 218 like holding a public hearing and noticing well owners are consistent with the District Act and would continue.

Under the District Act, Section 26.6, an annual report referred to as the Report on Protection and Augmentation of Water Supplies (PAWS) is to be filed with the Clerk of the Board on or before the first Tuesday in April. A public hearing must be held on or before the fourth Tuesday in April and it must be noticed to the public in a newspaper of general circulation at least 10 days in advance. In addition, all well owners and well operators on record are notified of proposed groundwater production increases in writing, and of the public hearing at least 45 days in advance. Groundwater production charges must be determined for the ensuing fiscal year prior to July 1 of the ensuing fiscal year. For each zone of benefit, groundwater production charges must be fixed and uniform per acre-foot for agricultural water and fixed and uniform per acre-foot for all water other than agricultural water.

Under the District Act, Section 26.3, groundwater production charges are to be used for the following purposes:

1. Pay for construction, operation, and maintenance of imported water facilities;
2. Pay for imported water purchases;
3. Pay for constructing, maintaining, and operating facilities which will conserve or distribute water including facilities for groundwater recharge, surface distribution, and purification and treatment; or
4. Pay for debt incurred for purposes 1, 2 and 3.

The Board may establish groundwater benefit zones in accordance with the District Act. The objective of establishing various groundwater benefit zones is to recover costs for the benefits resulting from District activities within that zone. The benefits and costs which are apportioned to zones by customer class are presented in the annual PAWS report.

The groundwater production charge reflects the benefit of District activities to protect and augment groundwater supplies and is applied to water extracted from the groundwater basin in Zones W-2, W-5, W-7, and W-8. Zone W-2 encompasses the Santa Clara groundwater subbasin north of Metcalf Road or the North County. Zone W-5 overlays the Llagas subbasin from northern Morgan Hill south to the Pajaro River. Zone W-7 overlays the Coyote Valley south of Metcalf Road to northern Morgan Hill, and W-8 encompasses the area below Uvas and Chesbro Reservoirs.

The District protects and augments water supplies for the health, welfare, and safety of the community. County-wide, groundwater replenished by the District makes up, on average, two-thirds of the groundwater used by residents, retailers, and businesses. The District replenishes the groundwater basins with local water and purchased water imported from the Sierra Nevada mountains and conveyed thru the San Francisco Bay Delta Estuary. The activities undertaken by the District to acquire, monitor, recharge, and protect the water supply are funded, in part, through

groundwater production charges.

### Water Usage Trend

District managed water use for FY 2019-20 is estimated to be approximately 232,000 acre-feet (AF), roughly 7,000 AF lower than budgeted, but 16,000 AF higher than prior year, due to a dry winter and dry spring. If the dry winter and dry spring were to repeat for the current year FY 2020-21, then there would be a 2,000 AF water usage excess versus budget, which would translate to an estimated \$3.2 million in revenue. The current projection for FY 2021-22 is 232,000 AF, which is flat compared to the FY 2019-2020 estimate.

Staff will carefully monitor monthly water use actuals and work closely with the water retailers during the upcoming rate setting process to modify the water usage forecast as necessary.

### FY 22 Planning Scenario Ideas

Staff anticipates the need to provide several groundwater charge projection scenarios for Board consideration during this rate setting cycle. Staff would appreciate Board feedback on the following assumptions and scenario ideas:

Baseline assumptions:

- Delta Conveyance SWP portion at 2.73%
- Purified Water Expansion (9 to 12kAF) via P3 by FY26
  - Assume 100% debt financed by P3 entity
- Los Vaqueros (Transfer Bethany Pipeline)
- FY22 increase in Agricultural Rate as a percentage of non-agricultural rates
- Pacheco Reservoir Expansion

Scenarios:

- Delta Conveyance SWP portion at 5% (CVP)
- Sites Reservoir Expansion
- Los Vaqueros Reservoir Expansion
- Pacheco Reservoir Expansion Funding Alternatives

Based on Board feedback, various groundwater charge projection scenarios will be provided for Board consideration.

### Open Space Credit

The Valley Water Board has historically recognized that agriculture brings value to Santa Clara County in the form of open space and local produce. In an effort to help preserve this value, the District Act limits the agricultural charge to be no more than 25% of the M&I charge. In 1999, to further its support for agricultural lands, the Board put a policy in place to further limit the agricultural groundwater production charge to no more than 10% of the M&I charge. The agricultural community

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currently benefits from low groundwater charges that are 2% of M&I charges in North County Zone W -2 and 6% of M&I charges in South County Zone W-7. The FY 2020-21 agricultural groundwater production charge is \$28.86/AF, or 6% of the Zone W-7 M&I charge of \$481.00/AF. According to Section 26.1 of the District Act, agricultural water is “water primarily used in the commercial production of agricultural crops or livestock.”

The credit to agricultural water users has become known as an “Open Space Credit.” It is paid for by fungible, non-rate related revenue. To offset lost revenue that results from the difference between the adopted agricultural groundwater production charge and the agricultural charge that would have resulted at the full cost of service, Valley Water redirects a portion of the 1% ad valorem property taxes generated in the Water Utility, General and Watershed Stream Stewardship Funds.

In April 2019, the Board directed staff to eliminate the discretionary portion of the Open Space Credit starting in FY 2021-22, after a two-year period in which a coalition of agricultural industry and other stakeholders would work to pursue an alternative revenue source to replace the discretionary portion of the Open Space Credit (See Attachments 4 and 5). As such the agricultural groundwater charge would increase to the maximum allowed by the District Act at 25% of the M&I charge for FY 2021-22. Doing so will require an update to the Board’s Pricing Policy which currently limits the agricultural groundwater production charge to 10% of the M&I Charge.

### **Planned Groundwater Charge Setting Schedule**

Below are the key dates for the groundwater charge setting process as tentatively scheduled. The schedule calls for adopting the budget and groundwater production charges on May 11, 2021.

- Jan 4: Agricultural Advisory Committee Meeting (Preliminary Groundwater Production Charge Analysis)
- Jan 12: Board Meeting (Preliminary Groundwater Production Charge Analysis), CIP Work Study
- Jan 13: Water Retailers Meeting (Preliminary Groundwater Production Charge Analysis)
- Jan 20: Water Commission Meeting (Preliminary Groundwater Production Charge Analysis)
- Feb 9: Board Meeting (Review draft CIP & Budget development update)
- Feb 26: File “Report on Protection & Augmentation of Water Supplies” (PAWS) with District Clerk of the Board & mail well owners and surface water users notice
- Mar 17: Water Retailers Meeting (Groundwater Production Charge recommendation)
- Mar 23: Board Meeting - Budget development update (2nd Pass)
- Mar 30: Landscape Committee Meeting (Groundwater Production Charge recommendation)
- Apr 5: Agricultural Advisory Committee Meeting (Groundwater Production Charge recommendation)
- Apr 7: Water Commission Meeting (Groundwater Production Charge recommendation)
- Apr 13: Board Meeting (Open Public Hearing on Groundwater Production Charges)
- Apr 15: Board Meeting (Continue Public Hearing on Groundwater Production Charges to South County)
- Apr 27: Board Meeting (Continue and Conclude Public Hearing)
- Apr 28-29: Board Meetings (Budget Work Study Sessions)
- May 11: Board Meeting (Adopt Groundwater Production Charges, Budget & CIP)

**FINANCIAL IMPACT:**

Depending on the direction provided by the Board, there could be a future financial impact to the Water Utility.

**CEQA:**

CEQA Guidelines Section 15273: CEQA does not apply to establishment or modification of water rates.

**ATTACHMENTS:**

Attachment 1: PowerPoint

Attachment 2: SCVWD Resolution 99-21

Attachment 3: SCVWD Resolution 12-10

Attachment 4: April 2019 memo from Director's Hsueh, Estremera and Varela

Attachment 5: Memo on Research of Feasible Revenue Alternatives

**UNCLASSIFIED MANAGER:**

Darin Taylor, 408-630-3068

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# Overview of the FY 2021-22 Groundwater Production Charge Setting Process

November 24, 2020



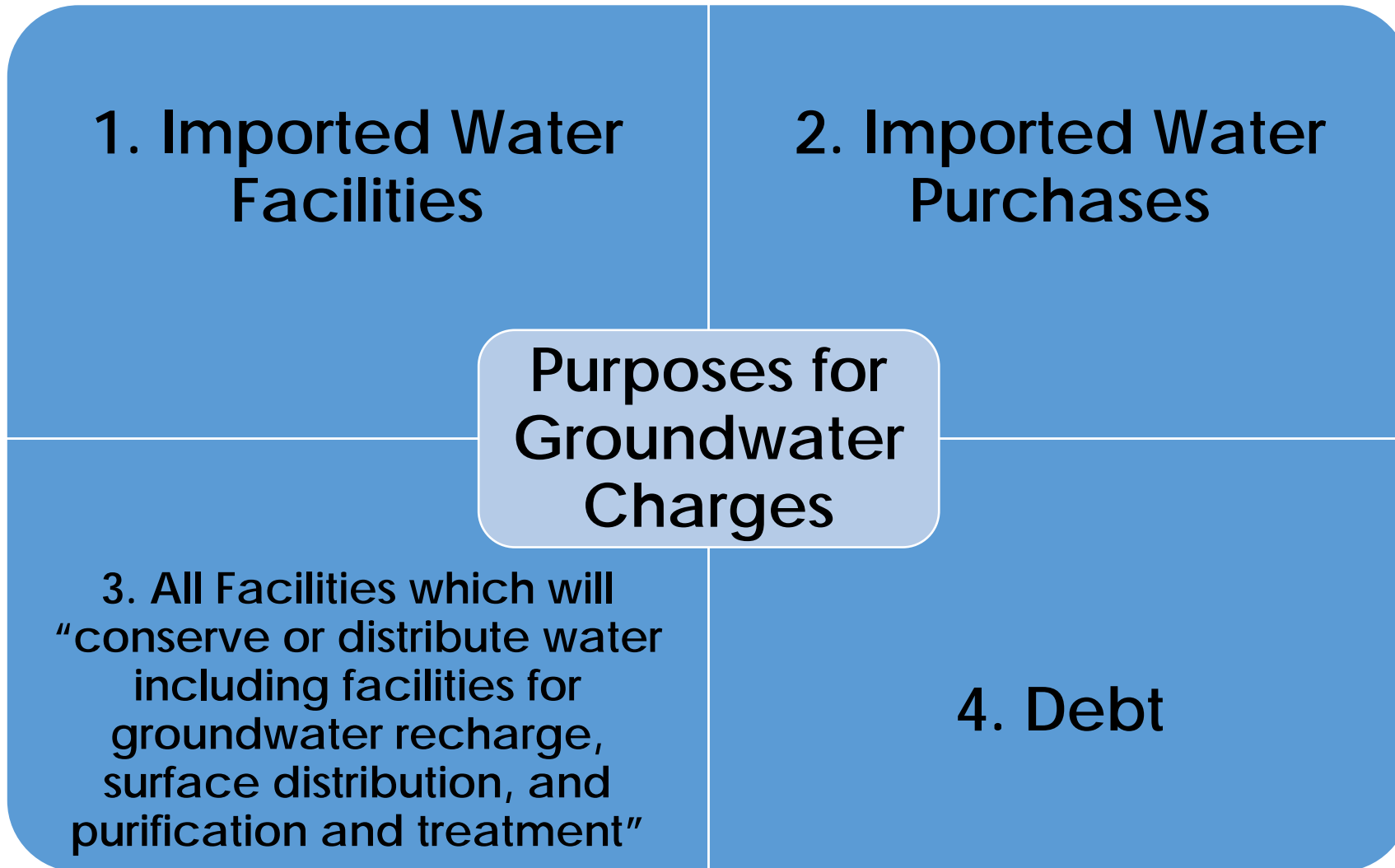
# Topics

1. Background Information on Groundwater Production Charge Setting Process
  - ▶ District Act
  - ▶ Prop 218 & Prop 26
  - ▶ Pricing Policy
  - ▶ Modified Groundwater Benefit Zones
2. North County & South County Infrastructure
3. Water Usage
4. Rate Setting Strategy for FY 22
5. Schedule
6. Summary

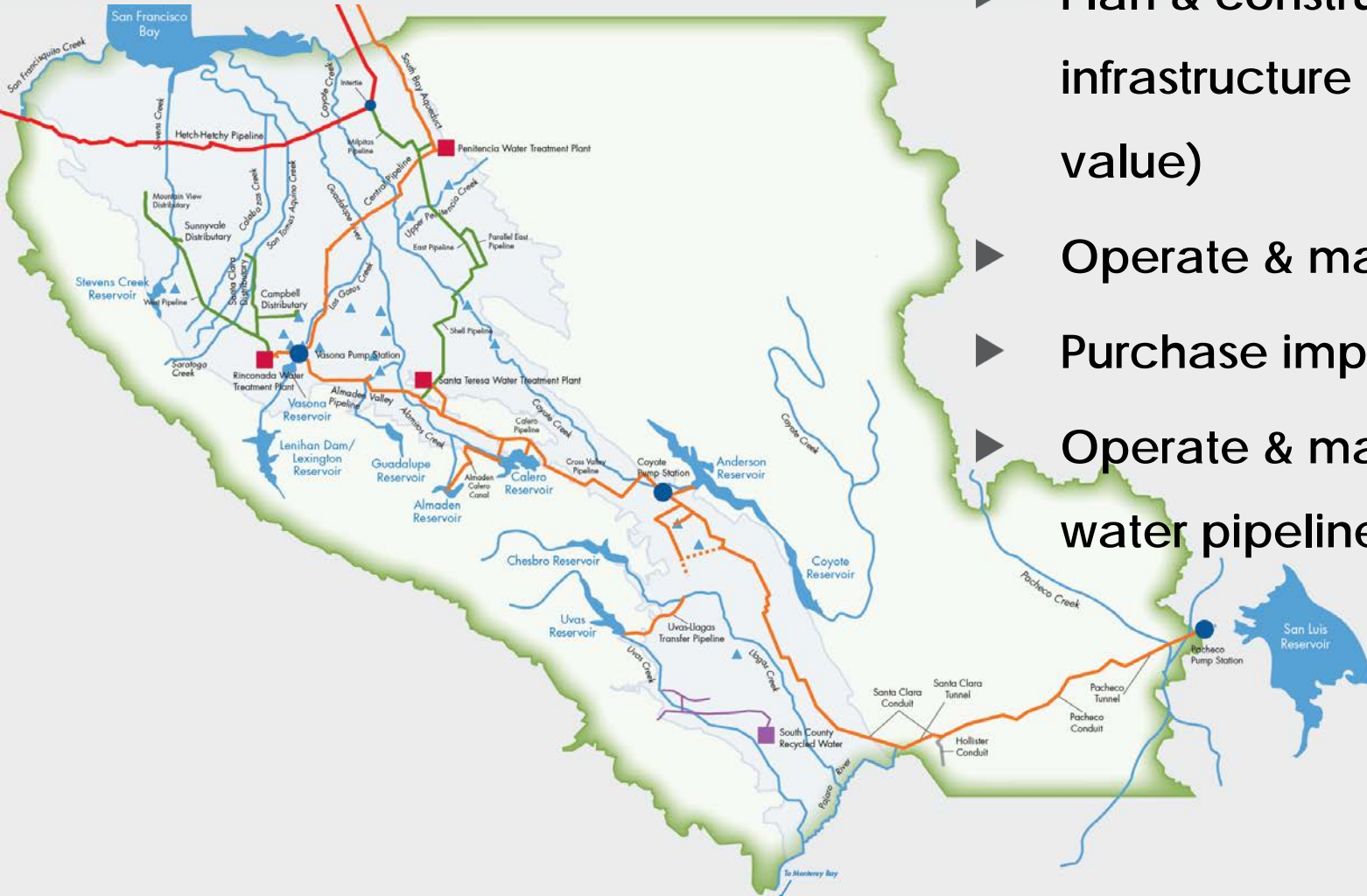
# District Act Details Several Process Requirements to Set Groundwater Production Charges

- ▶ **Requires setting of groundwater production charges once per year**
  - ▶ Option to do mid-year adjustment (added in 1992)
- ▶ **Requires publication of Annual Report on Protection and Augmentation of Water Supplies (PAWS)**
- ▶ **Requires public hearing**
  - ▶ Surface, treated, & recycled water rates can be set separately
- ▶ **Requires establishment of groundwater benefit zones**

# District Act Defines Purposes for Groundwater Charges



# Many activities ensure safe, reliable groundwater supplies



- ▶ Plan & construct improvements to infrastructure (\$7.1B system replacement value)
- ▶ Operate & maintain local reservoirs
- ▶ Purchase imported water
- ▶ Operate & maintain raw, treated & recycled water pipelines
- ▶ Monitor & protect groundwater from pollutants

# The Surface Water Charge-setting Process is Consistent with Prop 218 Process for Water Service Charges

- ▶ Includes cost of service analysis by customer class
- ▶ Includes protest procedure as defined in Board Resolution 12-10

## Historical Majority Protest Procedure Results

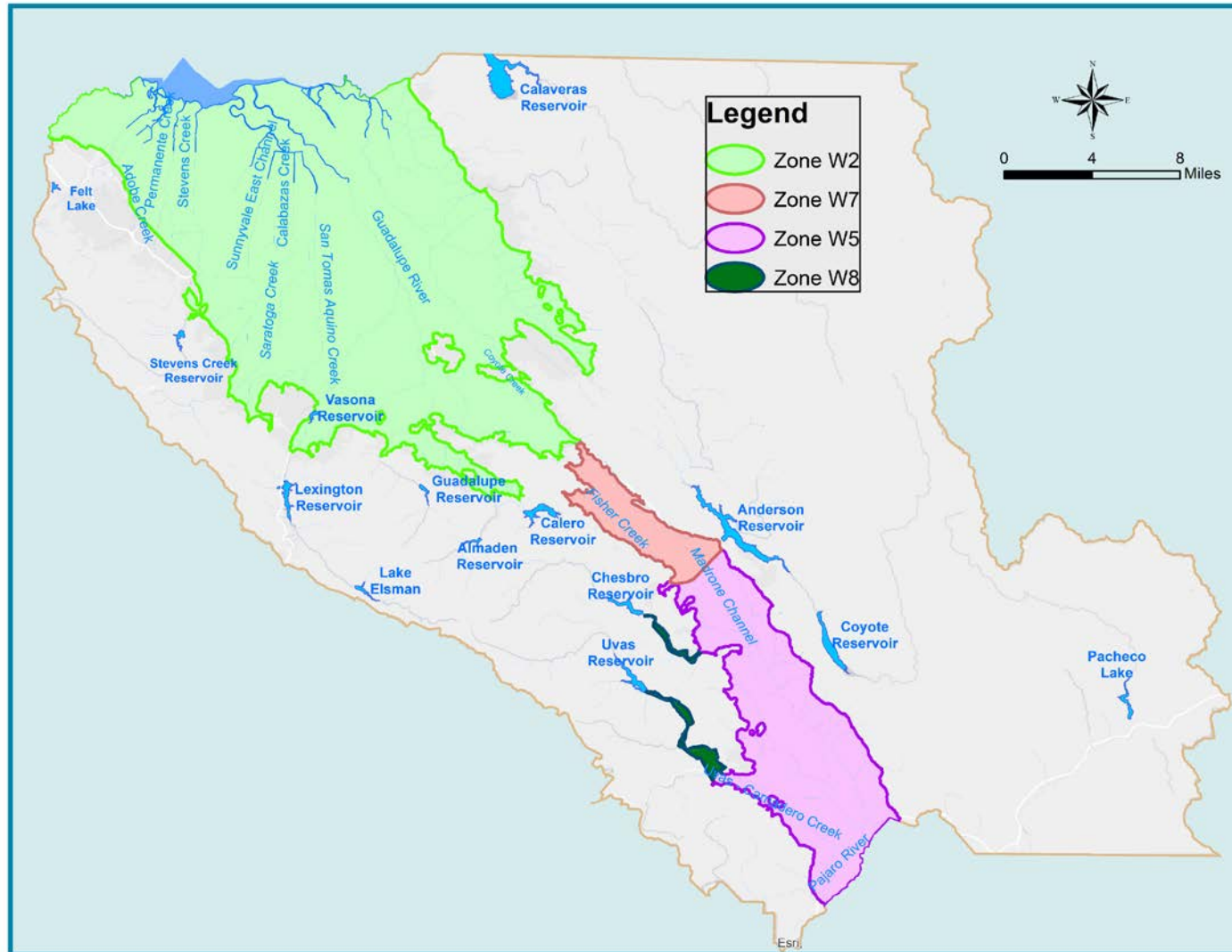
Fiscal Year	2013	2014	2015	2016	2017	2018	2019	2020	2021
Surface Water									
North County W-2	0%	0%	0%	0%	0%	0%	0%	5%	0%
South County W-5									0%
South County W-7	0%	0%	0%	1.3%	0%	0%	0%	0%	0%
South County W-8									0%

valleywater.org

# The Groundwater charge-setting process is Consistent with Prop 26

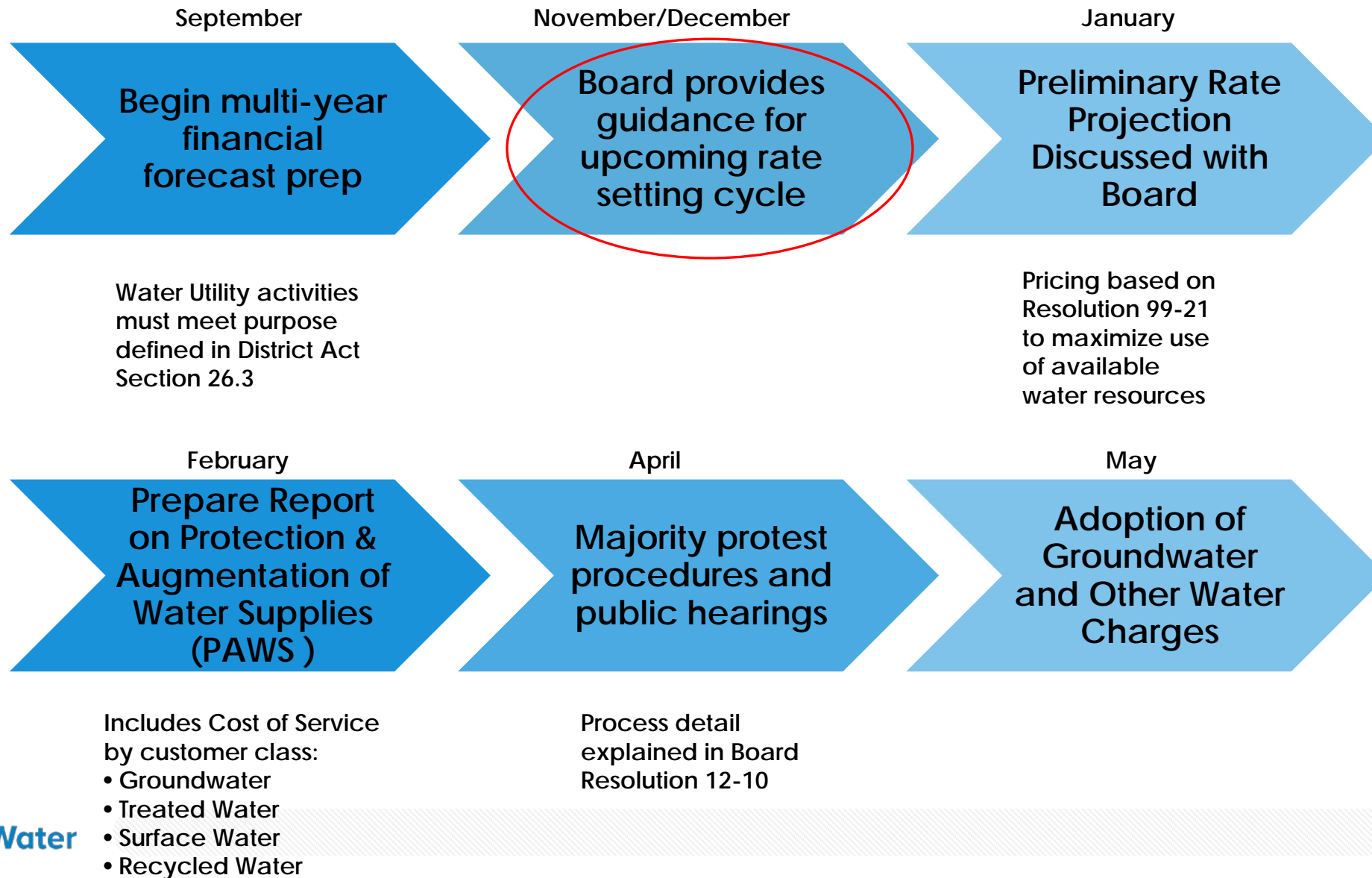
- ▶ Supreme Court found Prop 218 not applicable to groundwater charges
  - ▶ Certain Prop 218 requirements continue, like holding a public hearing and noticing well owners, which are consistent with District Act
  
- ▶ Supreme Court found Prop 26 is applicable to groundwater charges
  
- ▶ To qualify as a nontax fee under Prop 26, GW charge must satisfy both:
  1. GW charge established at amount that is no more than necessary to cover reasonable costs of government activity
  2. Manner in which costs are allocated to payor bear a fair or reasonable relationship to payor's burdens on, or benefits received from government activity

# Resolution 99-21 is the Board's Pricing Policy



- ▶ Groundwater charges are levied within a zone for benefits received
- ▶ All water sources and water facilities contribute to common benefit within a zone regardless of cost, known as “pooling” concept
  - ▶ Helps maximize effective use of available resources
- ▶ Agricultural water charge shall not exceed 10% of M&I water charge

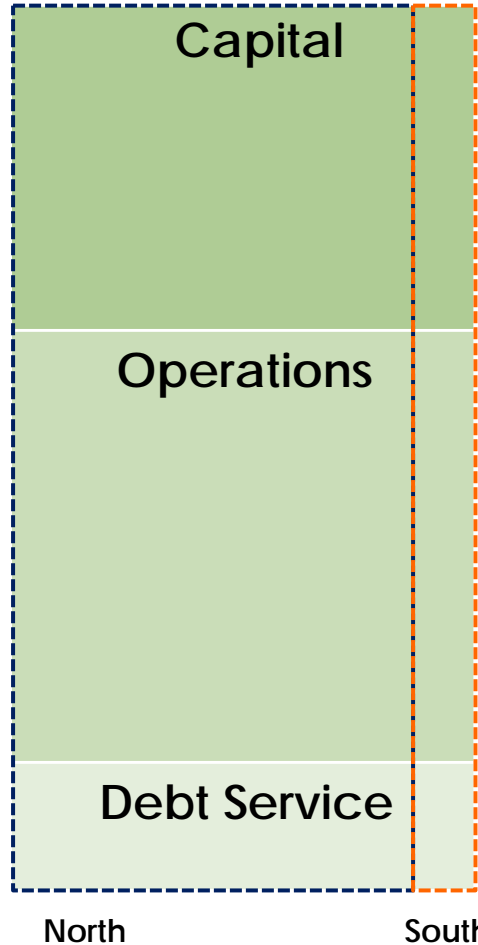
# Groundwater Charge-Setting Approach



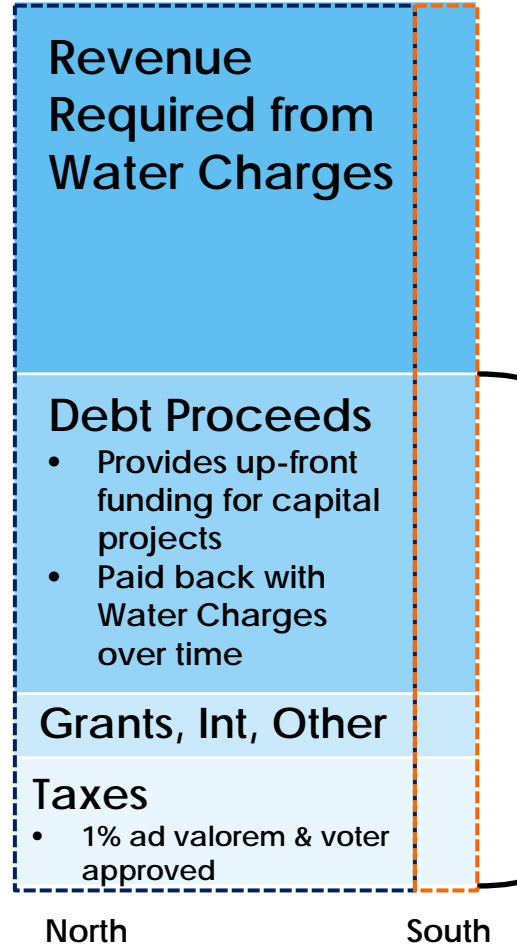


# “Revenue Requirements” approach used to determine revenue required from water charges

## Revenue Requirements (Cost of Service)



## Funding Sources

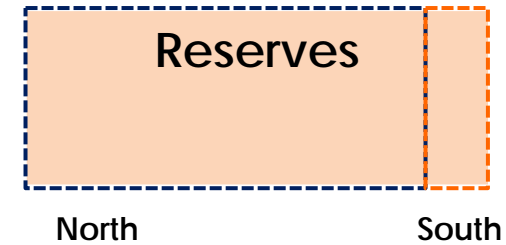


Sound financial targets over multi-year time frame keep bond ratings high

- Debt service coverage targeted at 2.0 or better
- Reserves targeted at policy minimums or better
- Aa1 from Moody's and AA+ from Fitch

North: Zone W-2  
South: Zones W-5, W-7, W-8

Non-water charge funding sources



Note: Bar graphs not to scale, for illustrative purposes only

# Infrastructure differences drive different groundwater production charges in each zone

## North County

- 3 water treatment plants
- Reservoirs –
  - Almaden
  - Calero
  - Guadalupe
  - Lexington
  - Stevens Creek
  - Vasona
- Silicon Valley Advanced Water Purification Center
- Imported Water – State Water Project

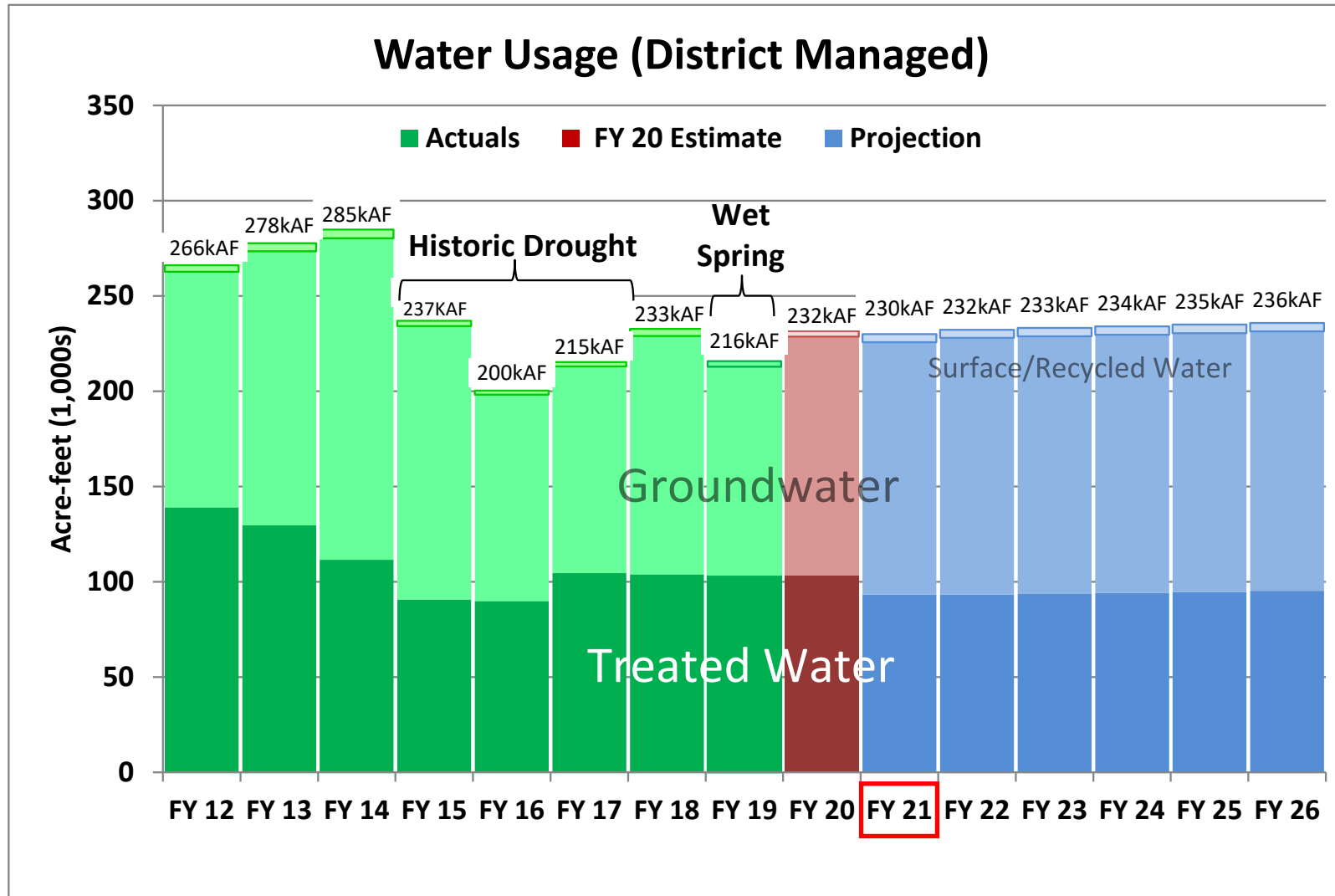
## Shared

- Reservoirs –
  - Anderson
  - Coyote
  - Pacheco
- Imported Water –
  - Central Valley Project
- **Shared facilities do not benefit Zone W-8**

## South County

- Reservoirs –
  - Chesbro
  - Uvas
- SCRWA Recycled Water System
  - **Benefits Zone W-5 only**

# Water Usage (District Managed)



## Baseline Case Assumptions:

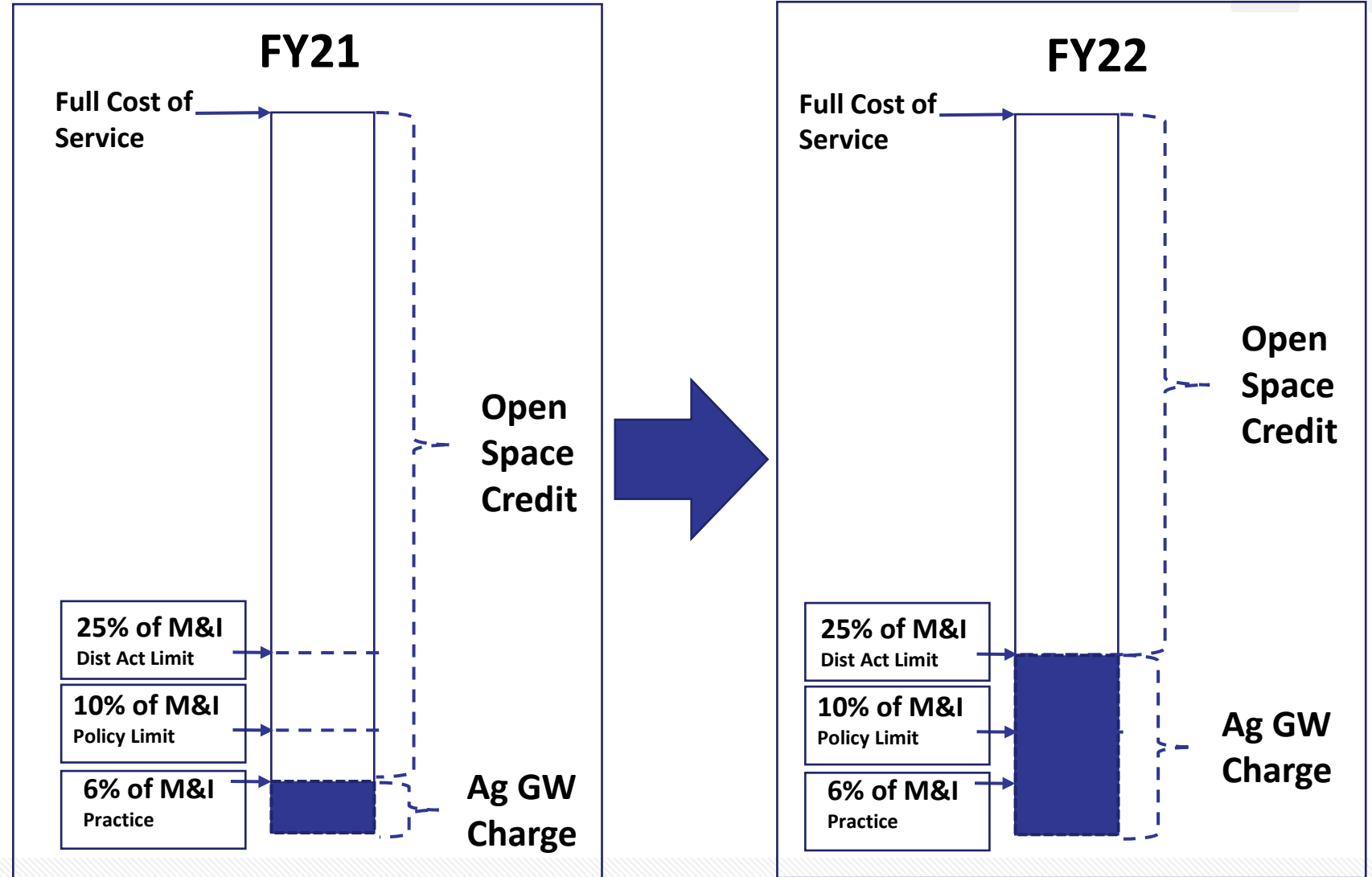
- Pacheco Reservoir Expansion
- Delta Conveyance SWP portion at 2.73%
- Purified Water Expansion (9 to 12kAF) via P3
  - Assumes 100% debt financing through P3 entity
- Los Vaqueros (Transfer Bethany Pipeline)
- FY22 increase in Agricultural Rate

## Scenarios:

- Delta Conveyance SWP portion at 5.00% (CVP)
- Sites Reservoir Expansion
- Los Vaqueros Reservoir Expansion
- Pacheco Reservoir Expansion Funding Alternatives

# Rate setting strategy: Changes in Agricultural Rates in FY22 and Beyond

- Board direction in April 2019 to eliminate discretionary portion of Open Space Credit by FY22
  - Would require update to Pricing Policy which currently limits Ag Charge to 10% of M&I Charge
- FY 21 Ag Charge is \$28.86/AF (6% of Zone W-7 M&I charge of \$481.00/AF)








# Impacts to FY 22 Rates ~ Results of No Rate Increases in FY21

- No FY21 rate increases results in higher anticipated water rate increases in future years, without offsetting cost cutting actions

September 2020 Rate Adjustment Analysis Results <i>With no mid-year rate increase</i>		Annual Long-Term Rate Adjustment FY22 – FY30
North County Zone W-2	Long Term Rate Adjustment (no FY21 rate increase) <i>PWP 100% debt financed by P3 entity</i>	9.8%
South County Zone W-5	Long Term Rate Adjustment (no FY21 rate increase)	5.2%
South County Zone W-7		10.4%
South County Zone W-8		5.2%

# 2022 Schedule

- Jan 4 Ag Water Advisory Committee 
- Jan 12 Board Meeting: Preliminary Groundwater Charge Analysis
- Jan 20 Water Retailers Meeting: Preliminary Groundwater Charge Analysis
- Jan 20 Water Commission Meeting: Prelim Groundwater Charge Analysis 
- 
- Feb 9 Board Meeting: Budget development update & Set time & place of Public Hearing
- Feb 26 Mail notice of public hearing and file PAWS report
- 
- Mar 17 Water Retailers Meeting: FY 22 Groundwater Charge Recommendation
- Mar 23 Board Meeting: Budget development update
- Mar 30 Landscape Committee Meeting 
- 
- Apr 5 Ag Water Advisory Committee 
- Apr 7 Water Commission Meeting 
- Apr 13 Open Public Hearing
- Apr 15 Continue Public Hearing in South County
- Apr 27 Conclude Public Hearing
- Apr 28-29 Board Meeting: Budget work study session
- 
- May 11 Adopt budget & groundwater production and other water charges

 Tentative Date

## Staff seeking Board guidance for FY 22 rate setting cycle

- Confirm P3 financing assumptions
- Confirm Ag Charge direction related to Open Space Credit



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RESOLUTION NO. 99- 21

ADOPTING "WATER UTILITY TAXING AND PRICING POLICY" AND  
RESCINDING RESOLUTION NO. 96-82

WHEREAS, the Santa Clara Valley Water District (District) adopted a District mission, goals and objectives on February 19, 1985, in order to conduct a sound water management program that serves the community; and

WHEREAS, the District Act authorizes the District to enter into water sales contracts and to levy and collect taxes and assessments on property within the District and in the respective zones of the District and sets forth requirements for groundwater charges and rates between agricultural and nonagricultural water; and

WHEREAS, several Board resolutions, as identified in Exhibit "A," are related to the management of water resources and the implementation of this water taxing and pricing policy; and

WHEREAS, several changes which affect revenue sources and benefit distribution have occurred since adoption of Resolution No. 96-82. These changes include: (1) passage of Resolution Nos. 98-44 and 98-45 setting agricultural charges for groundwater and surface water at 10 percent of the nonagricultural charges; (2) revisions to the policy governing sale of noncontract water in 1998; (3) pending completion of an agreement to act as the wholesaler to deliver recycled water in South County.

BE IT RESOLVED, by the Board of Directors of the District as follows:

1. **The policy of the District in the areas of taxation and water pricing for water utility revenues shall be and is hereby adopted:**

**Policy Statement**

The intent of this water utility taxing and pricing policy is to provide revenue for the management of water resources and operation of the water utility enterprise. This policy establishes a framework for establishing a system of water charges as permitted by the District Act to meet revenue requirements and to allocate costs amongst the beneficiaries. The general approach is to charge the recipients of the various benefits for the benefits received from the District's comprehensive water utility program.

The consumptive and nonconsumptive benefits provided by District water supply facilities and operations are listed and described below:

- Provision of a water supply and effective management of water resources available to the community from a variety of sources of supply, transmission, and water treatment facilities operated by the District.
- Protection of water quality through the purification and treatment of water and the protection of water supplies.
- Stewardship of watersheds and riparian corridor.
- Administration of related programs and projects such as recycled water and water conservation administered solely by the District or in partnership with another organization.

Resolution Adopting "Water Utility Taxing and Pricing Policy" and Rescinding Resolution No. 96-82

- Ancillary flood protection.
- Recreation, such as fishing, boating, picnicking, hiking, and other related recreation activities.
- Support for the economic well being of the community.
- Protection of the community infrastructure from subsidence.

**2. Policy Implementation**

The following water taxing and pricing concepts and framework shall be implemented in order to provide for revenue in order to continue providing direct and ancillary benefits to the customers of the District and the community of Santa Clara County.

**Water Taxing and Pricing Concepts**

- **Water Pooling:** Water is considered to be a single commodity irrespective of the water's source or cost. It is a single commodity whether it is from water provided locally, imported, or recycled, and all users benefit from the availability of multiple sources of water.
- **Water Facilities Cost Pooling:** All water supply facilities contribute to the common benefit of effective water resources management. In general, the water charges and property taxes are based on the common benefits of the capital and operations outlays, rather than reference to named facilities, with the exception of the liability for bonded indebtedness which is applied to each zone of benefit.
- **Water Resources Management:** Water supplies are managed, through taxing and pricing, to obtain the effective utilization of the water resources of the District to the advantage of the present and future populations of the County. This concept provides for development of taxing and pricing structures that will achieve the effective use of available resources and conserve supplies for potential drought conditions.
- **Revenue Pooling:** For the most part, water utility revenues are collected in a common fund and not designated for a specific cost. Such revenues are available for the general capital and operating outlays of the water utility enterprise. Some revenues such as certain property taxes are specifically designated for debt service and the fixed costs of the State Water Project, and are not available to the common fund. Water charges are established to provide the revenues that are required in the common fund for general capital and operating outlays and that are over and above revenues from ad valorem taxes, interest, and miscellaneous sources. This provides flexibility in managing continuing operations and funding capital outlays.

**Water Taxing and Pricing Framework**

The following procedures are intended as a general framework to guide staff in the development of a water rate structure implementing this policy:

- **Zones of Benefit:** Zones of benefit are to be identified and established in accordance with the District Act. Groundwater charges and property taxes are levied for the benefits received by the water users and property owners benefitting from that zone. For each zone, a basic

Resolution Adopting "Water Utility Taxing and Pricing Policy" and Rescinding Resolution No. 96-82

water user charge is determined for current groundwater and raw surface water users to be applied to the quantities of water used or consumed.

- **Basic Water Charge Zones:** The objective of establishing various water charge zones is to recover costs for the benefits resulting from conservation, import, and recharge of water which occur only within that zone. Water charges are levied for water producing operations, such as groundwater pumping and raw surface water diversion. In addition, users may be subject to specific charges that meet special needs of a group of users, such as water master charges for surface water deliveries, a capital charge for equipment or facilities, and power costs for pumping.
- **Treated Water Surcharge:** A treated water surcharge shall be added to the basic water charge for the price of treated surface water delivered by the District. The charge is to be established at an amount that would promote the effective use of available water resources. The charge may differ between treatment plants to better manage regional variations in groundwater conditions.
- **Costs for Specific Benefits:** Whenever costs associated with specific benefits are clearly and easily measurable, those costs shall be charged to the beneficiaries, in accordance with their specific zones of benefit. Where there is a question as to the identity of the beneficiary or the method of measuring the benefit, the allocation of costs should remain flexible and be determined in accordance with accepted practices and sound judgements based on the four water pricing concepts. The District recognizes and supports the State Legislature's limitation imposed on the District that rates for agricultural water shall not exceed one-fourth of the rate for all water other than agricultural water. In order to encourage the continuance of agricultural use of land in the County, to encourage the preservation of open space, to defer intensification of users and to further support the limitation imposed by the State Legislature, it is the District's policy that rates for agricultural water shall not exceed one-tenth the rate for all water other than agricultural water.

Both water charges and property taxes are used to recover costs incurred for the benefit of current water users. The costs for future supply sources can be recovered using current revenues or through project specific long-term financing.

- **Balancing Costs:** The District recognizes that there may be imbalances between revenues and costs within a zone of benefit from year to year. The District will strive to achieve balance over the long-term in accordance with the District Act and to properly charge recipients for the benefits received.
- **Incentives:** Incentives in the form of subsidies may be provided in order to reduce the price of specific sources of water in order to optimize use of available or future water resources.
- **Recycled Water:** From time to time, the District may enter into agreements to provide wholesale delivery or other services related to recycled water. The District will strive to recover the costs of these facilities consistent with the pooling concepts outlined above, while adhering to the specifics of any agreement.

Resolution Adopting "Water Utility Taxing and Pricing Policy" and Rescinding Resolution No. 96-82

**3. Executive and Staff Limitations**

District staff are authorized to develop a water rate structure which meets the objectives set forth herein, in accordance with the District Act, and using the concepts set forth above. The District's rate structure is implemented only by resolutions approved by the Board of Directors.

Staff is authorized to recommend water charges for consideration by the Board in accordance with the District Act. Water charges, if any, shall be recommended by staff each year be at fixed and uniform rates for agricultural water and for all water other than agricultural water, respectively, except that each such rate for agricultural water shall be one-tenth of the rate for all water other than agricultural water. The Board has determined that agricultural use of lands is of value to the County and the state, and that agricultural lands provide an open space benefit. The Board's limiting staff to a recommendation of agricultural water rates below the maximum allowed by the District Act will benefit water users Countywide, and is necessary to carry out the policies of the State Legislature and the District Board of Directors.

Staff is authorized to prepare, for the Board's consideration, resolutions for the collection of property taxes as needed and authorized under applicable laws.

**4. Previous Policy Rescinded**

The "Water Taxing and Pricing Policy," adopted by Resolution No. 96-82, is hereby rescinded.

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District on  
March 16, 1999 by the following vote:

AYES: Directors Gross, Zlotnick, Judge, Kamei, Sanchez, Estremera, Wilson


NOES: Directors None

ABSENT: Directors None

SANTA CLARA VALLEY WATER DISTRICT

By:   
Chair/Board of Directors

ATTEST: LAUREN L. KELLER

  
Clerk/Board of Directors

RESOLUTION NO. 12- 10

A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE SANTA CLARA VALLEY WATER DISTRICT ADOPTING PROCEDURES  
FOR THE IMPOSITION OF SURFACE WATER CHARGES

WHEREAS, pursuant to Section 4 of the District Act, the purposes of the District Act are to authorize the District to provide comprehensive water management for all beneficial uses within Santa Clara County; and

WHEREAS, Section 5(5) of the District Act authorizes District to do any and every lawful act necessary to be done that sufficient water may be available for beneficial uses within Santa Clara County; and

WHEREAS, Section 5(12) authorizes the District to make contracts and do all acts necessary for the full exercise of all powers vested in the District; and

WHEREAS, Proposition 218, adopted on November 6, 1996, added Articles XIIIC and XIID to the California Constitution which impose certain procedural and substantive requirements with respect to the imposition of certain new or increased fees and charges; and

WHEREAS, whether legally required or not, the District Board believes it to be in the best interest of the community to align its practices with respect to the imposition of surface water charges to mirror the majority protest requirements of Article XIII D, section 6 applicable to charges for water services to the extent possible; and

WHEREAS, the District Board believes it to be in the best interest of the community to record its decisions regarding implementation of the provisions relating to imposition of surface water charges and to provide the community with a guide to those decisions and how they have been made; and

NOW, THEREFORE, the Board of Directors of Santa Clara Valley Water District does hereby resolve as follows:

**SECTION 1. Statement of Legislative Intent.** It is the Board of Directors' intent in adopting this resolution, to adopt the notice, hearing, and majority protest procedure proceedings that are consistent, and in conformance with, Articles XIIIC and XIID of the California Constitution and with the Proposition 218 Omnibus Implementation Act and the provisions of other statutes authorizing imposition of surface water charges. To the extent that these requirements are legally required to supercede the requirements set forth in the District Act, these provisions are intended to prevail.

**SECTION 2. Definitions.**

- A. Record Owner.** The District will provide the required notice to the Record Owner. "Record Owner" means the record owner of the property on which the surface water use-facility is present, and the tenant(s) who are District surface water permittees liable for the payment of the surface water charge.

A Resolution of the Board of Directors of the Santa Clara Valley Water District Adopting  
Procedures for the Imposition of Surface Water Charges

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- B. Charge Zone.** "Charge Zone" means the District zone (i.e. Zone W-2 or Zone W-5) that a surface water user's turnout is located, which is applicable in identifying the proposed surface water charge. Surface water users that receive surface water outside of either Zone W-2 or Zone W-5 are deemed to be located in the zone to which the surface water user's turnout is most nearly located.

**SECTION 3. Surface Water Charge Proceeding.** The following procedures will be used:

- A. Those Subject to the charge.** The Record Owners of the existing surface use-facilities.

- B. Amount of Charge.** A formula or schedule of charges by which the customer can easily calculate the potential surface water charge will be included in the notice. The surface water charge is comprised of a basic user charge and a surface water master charge. The surface water charge must comply with the following substantive requirements:

1. Revenues derived from the surface water charge will not be used for any purpose other than that for which the charge is imposed.
2. Revenues derived from the surface water charge will not exceed the direct and indirect costs required to provide the service.
3. The amount of the surface water charge must not exceed the proportional cost of the service attributable to the property.
4. No charge may be imposed for a service unless the service is actually used by, or immediately available to the property owner (or, if applicable, the tenant).
5. No charge can be imposed for general governmental services where the service is available to the public at large in substantially the same manner as it is to property owners.

- C. Notice.** The following guidelines apply to giving notice of the surface water charge.

1. Record Owner(s) of each parcel subject to the surface water charge, meaning any parcel with a surface water use-facility, will be determined from the last equalized property tax roll. If the property tax roll indicates more than one owner, each owner will be sent the notice. District surface water permittees liable for the payment of the surface water charge will also be provided with the notice.
2. The notice must be sent at least forty-five (45) days prior to the date set for the public hearing on the surface water charge.
3. Failure of any person to receive the notice will not invalidate the proceedings.

A Resolution of the Board of Directors of the Santa Clara Valley Water District Adopting  
Procedures for the Imposition of Surface Water Charges

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**D. Surface Water Charge Protest.** The following guidelines apply to the surface water charge protest procedure:

1. The notice will be mailed to all affected Record Owners at least forty-five (45) days prior to the date of the public hearing on the proposed surface water charge.
2. Written protests must be forwarded to the Clerk of the Board by mail or in person, sealed in an envelope which conceals the contents, with the property address or APN written on the outside of the envelope. To be counted, protests must be received no later than the date for return of protests stated on the notice, or the close of the public hearing, whichever is later.
3. A protest must be signed under penalty of perjury. For properties with more than one Record Owner, a protest from any one surface water user-facility will count as a protest for the property. No more than one protest will be counted for any given property.
4. Only protests with original signatures will be accepted. Photocopied signatures will not be accepted. Protests will not be accepted via e-mail. Protests must be submitted in sealed envelopes identifying the property on which the surface water user-facility is located, and include the legibly printed name of the signator. Protests not submitted as required by this Resolution will not be counted.
5. This proceeding is not an election.
6. Written Protests must remain sealed until the tabulation of protests commences at the conclusion of the public hearing. A written protest may be submitted or changed by the person who submitted the protest prior to the conclusion of the public testimony on the proposed charge at the public hearing.
7. Prior to the public hearing, neither the protest nor the envelope in which it is submitted will be treated as a public record, pursuant to the Government Code section 6254(c) and any other applicable law, in order to prevent potential unwarranted invasions of the submitter's privacy and to protect the integrity of the protest process.

**E. Tabulating Protests.** The following guidelines apply to tabulating protests:

1. It will be the responsibility of the Clerk of the Board to determine the validity of all protests. The Clerk will accept as valid all protests except those in the following categories:
  - a. A photocopy which does not contain an original signature;
  - b. An unsigned protest;
  - c. A protest without a legible printed name;
  - d. A protest which appears to be tampered with or otherwise invalid based upon its appearance or method of delivery or other circumstances;



A Resolution of the Board of Directors of the Santa Clara Valley Water District Adopting  
Procedures for the Imposition of Surface Water Charges

- e. A protest submitted to the District via e-mail;
- f. A protest submitted in an envelope that does not have the address or APN written on the outside of the envelope;
- g. A protest signed by someone other than the Record Owner for the APN.

The Clerk's decision, after consultation with the District Counsel, that a protest is invalid is final.

- 2. An impartial person, designated by the governing board, who does not have a vested interest in the outcome of the proposed charge will tabulate the written protests submitted, and not withdrawn. The impartial person may be a member of the Clerk of the Board Office.
- 3. A Record Owner who has submitted a protest may withdraw that protest at any time up until the conclusion of the final public hearing on the surface water charge.
- 4. A property owner's failure to receive notice of the surface water charge will not invalidate the proceedings conducted under this procedure.

**F. Public Hearing.**

- 1. At the public hearing, the District Board will hear and consider all public testimony regarding the proposed surface water charge and accept written protests until the close of the public hearing, which hearing may be continued from time to time.
- 2. The District Board may impose reasonable time limits on both the length of the entire hearing and the length of each speaker's testimony.
- 3. At the conclusion of the hearing, the Clerk of the Board, or other neutral person designated to do the tabulation will complete tabulation of the protests from Record Owners, including those received during public hearing.
- 4. If it is not possible to tabulate the protests on the same day as the public hearing, or if additional time is necessary for public testimony, the District Board may continue the public hearing to a later date to receive additional testimony, information or to finish tabulating the protests; or may close the public hearing and continue the item to a future meeting to finish tabulating the protests.
- 5. If according to the final tabulation of the protests from Record Owners, the number of protests submitted against the proposed surface water charge (or increase of the surface water charge) within a Charge Zone exceeds 50% plus one of either: (i) the identified number of parcels within that Charge Zone, or (ii) the identified number of owners and tenants who are subject to the surface water charge within that Charge Zone, then a "majority protest" exists and the District Board of Directors will not impose the surface water charge within that Charge Zone.

A Resolution of the Board of Directors of the Santa Clara Valley Water District Adopting  
Procedures for the Imposition of Surface Water Charges

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PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on February 14, 2012.

AYES: Directors T. Estremera, D. Gage, J. Judge, P. Kwok, R. Santos, B. Schmidt,  
L. LeZotte  
NOES: Directors None  
ABSENT: Directors None  
ABSTAIN: Directors None

SANTA CLARA VALLEY WATER DISTRICT

By: 

LINDA J. LEZOTTE

Chair/Board of Directors

ATTEST: MICHELE L. KING, CMC

  
Clerk/Board of Directors

...the ... of ... and ...

PASSED AND ADOPTED by the Board of Directors of ... on the ...

- ABSTRACT Director
- ASSISTANT Director
- SECRETARY
- Treasurer
- Director

STATE OF ...

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ATTEST: MICHAEL KING, CMA

*[Signature]*  
Secretary of Directors



## MEMORANDUM

FC 14 (02-08-19)

**TO:** Board of Directors

**FROM:** Vice Chair Nai Hsueh  
Director Tony Estremera  
Director John Varela

**SUBJECT:** Groundwater Production Charges –  
Open Space Credit

**DATE:** April 18, 2019

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This memorandum presents a discussion on the Open Space Credit (OSC) portion of Item 2.8, Annual Report on the Protection and Augmentation of Water Supplies - February 2019 and Recommended Groundwater Production and Other Water Charges for Fiscal Year 2019-2020, on the April 23, 2019 agenda.

### Issue

There are many comments urging support for agriculture in Santa Clara County by continuing the current OSC practice. Although the Board has explained at various occasions, it is important to clarify one more time that this Board, present and former, has never wavered its support for agriculture. **The issue facing the Board is about an “unsustainable financial future” of our property tax revenue (Fund 12, District Fund and Water Enterprise Fund.)**

### Background

For several years, the Board has been concerned about the affordability of OSC and, in 2018, directed staff to report back on the following:

1. *Reasonableness of agriculture water usage projections in light of future development in south county and potential reduction of agriculture acreage (staff reported on December 5, 2018 that projected future agricultural water usage is reasonable.)*
2. *Feasibility of a reduced agriculture water charge for Williamson Act or Conservation Easement participants (Williamson Act Proposal) (on today's agenda as part of the Groundwater Production Charge.)*
3. *Feasibility of funding Open Space Credit with new revenue sources, e.g. contribution from private companies or other governmental agencies (analyses completed, see attached memorandum.)*

### Discussion of Williamson Act Proposal

The Williamson Act Proposal is not a viable solution to the financial sustainability issue the Board is concerned about. A significant percentage, approximately 80%, of the current OSC is needed to comply with District Act requirement. Only 20% of the OSC is within the Board's authority to reduce. As shown in the analyses below, any adjustments within the 20% will not solve the unsustainable condition of Fund 12.

*For the next 10 years, if the current practice continues, approximately \$152M of total District 1% property tax revenue would be allocated to support OSC. If the Williamson Act Proposal is implemented, the cumulative savings would be \$3.4M—\$3.8M under the 10% alternative, and \$16.0M—\$17.9M under the 25% alternative, which amounts to approximately 2.0%—12.0% of the \$152M “hole” that the Board is concerned about.*

*Source: staff agenda memorandum.*

Additionally, and very importantly, the Williamson Act Proposal does not benefit farmers who own small acreages or lease/rent farmland, and therefore is not consistent with Board's policy regarding Environmental Justice.

Board of Directors  
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**Recommendation**

Of the 3 directions by the Board (see Background section,) "Item 3 New Revenue Sources" is the one that has the potential to address the "financial sustainability issue", and is worth our efforts to pursue.

A stepped approach is recommended:

1. Continue current practice for OSC for the next 2 years, FY 2019-2020 and FY 2020-2021.
2. During the 2-year period, through a coalition of agriculture industry, open space organizations, other governmental organizations, environmental groups and Valley Water, work to pursue feasible revenue sources for OSC.
3. Depending on the outcomes of the efforts, the Board would then set the OSC accordingly. It is important to point out that the OSC decision cannot not be made independently, it needs to be considered in connection with the services Valley Water relies on Property Tax to deliver to the community.



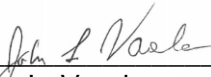
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Nai Hsueh, 2019 Vice Chair  
Director District 5



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Tony Estremera  
Director District 6



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John L. Varela  
Director District 1



**MEMORANDUM**  
FC 14 (01-02-07)

**TO:** Santa Clara Valley Water District Board Chairman,  
Richard P. Santos

**FROM:** Directors Linda LeZotte,  
Barbara Keegan, and Nai  
Hsueh

**SUBJECT:** Research of Feasible Revenue Sources  
allowed by the District Act

**DATE:** October 31, 2018

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**Summary**

Due to Water Utility capital needs to rehabilitate existing infrastructure, and the need to invest in new water supplies for the future, wholesale water charges are projected to more than double over the next 10 years. Such a projection has generated concerns of affordability from communities. In addition, the good news that the California Water Commission awarded \$484.55 million to support the Pacheco Reservoir Expansion Project, comes with a significant challenge in that the remaining cost of the project has not been included in the most recent 10-year wholesale rate projection.

With regard to flood protection and environmental stewardship, lack of funding has been a problem for decades. Today, the District has several hundreds of millions of dollars' worth of unfunded flood protection projects, an extensive list of deferred operations and maintenance activities, a rapidly escalating need for funding to address encampment issues, and the need for additional funding to meet stewardship commitments. In addition, the Board's Open Space Credit policy is projected to put more demand on the District's share of 1% ad valorem property tax revenue into the future, a revenue source that is relied upon to fund flood protection and stream stewardship activities.

Consequently, you assigned the three of us to research feasible new revenue sources with respect to District Act authorities. Our analysis included a review of the report prepared by financial consultant, Bill Statler, titled "Revenue Options Assessment, November 2017," and incorporated additional research prepared by staff. Our recommendations are summarized directly below, with the remainder of this memo devoted to summarizing all of the revenue generating ideas that we analyzed.

**Recommendations:**

- A. Special Parcel Tax** – Conduct polling to determine whether a ballot measure based on a suite of projects (water storage projects for example) with the Pacheco Reservoir Expansion as the anchor project would be approved by voters.
- B. Development Impact Fees, Water Utility** – Engage a consultant to undertake a comprehensive development impact fee study that would generate revenue for the development and expansion of the water supply system (anticipated cost is \$75k to \$100K). Begin campaign to reach out to land use agencies to gain their necessary cooperation.

**NOTED**  
DEC 05 2018

Attachment 2  
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Santa Clara Valley Water District Board Chairman, Richard P. Santos  
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- C. **Development Impact Fees, Flood Protection** – Engage a consultant to undertake a comprehensive development impact fee study (anticipated cost is \$75k to \$100k). Begin campaign to reach out to land use agencies to gain their necessary cooperation. Investigate opportunities for developers to pay for the impact of development via mitigation.
- D. **Benefit Assessment, Creekside Properties** – Work with community leaders to generate interest in a community or property-owner led effort to establish a benefit assessment zone for properties that back to a creek, which could fund District activities to remove debris, address encampments, and construct environmental enhancements for example.
- E. **Investigate the concept of fund raising via donations, and partnering with like-minded agencies to help preserve agricultural land or open space** – Staff to further research the feasibility of a donation funding concept and develop a roadmap of actions that could be taken to establish a program, including investigation of Corporate Social Responsibility funding sources. To facilitate receiving donations from philanthropic organizations and individuals, the District could pursue establishment of a “special projects fund” under the Silicon Valley Community Foundation (SVCF), which would distribute donated funds to the District on a periodic basis in the form of a grant, for agricultural/open space preservation efforts. The District would be responsible for fund raising, and Board members would likely need to take a lead role in fund raising efforts with staff providing technical support.
- F. **Evaluate potential state ballot measure that would refine Proposition 13** such that commercial and industrial property – but not homes and small businesses – would be regularly reassessed and taxed at their full property value. If passed, it is estimated that this change could bring \$20M per year incremental property tax revenue to the District, however this initiative could draw significant opposition from the business community.

If you would like to bring these recommendations for consideration to the full Board at an upcoming Board meeting, staff would prepare a PowerPoint presentation to facilitate the discussion.



Directors Linda LeZotte, Barbara Keegan, and Nai Hsueh

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## NEW REVENUE IDEAS

### 1. Special Parcel Tax

Pros	Cons
Largely unrestricted revenue source (can only be spent on activities defined in ballot measure)	Requires two-thirds voter approval (possible "no" vote)
Would reduce water charge projection	Staffing costs and election fees could total several million dollars
Seniors and low income property tax payers could be exempted	
Stable revenue source	

**Purpose:** Pay for Pacheco Reservoir Expansion or a suite of projects with the Pacheco Reservoir Expansion as the anchor project.

**District Authority to Implement?** Yes

**Next Steps:** Conduct polling to determine chance of success. Then begin developing a ballot measure targeting November 2020 election.

- A very similar alternative is to form a Community Facilities District (CFD) to establish a Mello-Roos special tax, which would have the same pros and cons as a special tax. In general, a special tax would be simpler to pursue because of the avoided work associated with establishing a CFD. However, if the District wanted to implement a tax for a subsection of the county (as opposed to a county-wide tax), then establishing a CFD would be an option. The District could also establish a special parcel tax for the common benefit of a participating "zone", which would need to be supported by an engineering study of the costs to be borne by the participating zone.
- A CFD can also be established for new development areas. For new development, the amount generated by the Mello-Roos special tax would depend on the cost of the facilities needed to serve the new development and any ongoing operating and maintenance costs that the CFD would be responsible for. This alternative is generally more applicable to cities.

**Discussion:** Pursuit of a special tax is a viable alternative to fund the Pacheco Reservoir Expansion project.

**Recommend pursuing next steps for a Special Parcel Tax.**

### 2a. Development Impact Fees – Water Utility

Pros	Cons
No voter approval requirement	District ability to collect contingent on cooperation of land use planning agencies
Would reduce water charge projection	Can only be used for capital improvements benefitting new development
"Growth pays for growth"	Unstable revenue source



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**Purpose:** Generate revenue to support the development and expansion of the water supply system to serve new development.

**District Authority to Implement?** No, implementation would require cooperation from land use planning agencies

**Next Steps:** Engage a consultant to undertake a comprehensive impact fee study. Cost would range from \$75K to \$100K. Study would determine what percentage of water supply projects would benefit new development. Begin campaign to reach out to land use agencies to gain their cooperation.

- The Inland Empire Utilities Agency (IEUA) implemented a development impact fee in 2016 to pay for a \$91M capital program that included recycled water development and water conservation projects, which required the cooperation of the local agencies to administer. The fee collection procedure required local agencies to alert IEUA of a customer seeking to add or upgrade a water meter connection. The customer would then pay the fee directly to IEUA. This is a potential model that the District could follow.

**Discussion:** Although the District cannot impose a development impact fee for Water Utility purposes, this alternative has merit. It would address the inequity associated with investing in new water supplies to accommodate development while not charging those who would benefit. This alternative has a significant implementation hurdle in that it requires the cooperation of all land use planning agencies, however a motivating factor to cooperate would be a corresponding reduced water charge projection. Finally, the Inland Empire Utilities Agency, a wholesale water provider, has developed a procedure that the District could model to implement this fee in cooperation with land use planning agencies.

**Recommend pursuing next steps.**

## 2b. Development Impact Fees – Flood protection

Pros	Cons
No voter approval requirement	District ability to collect contingent on cooperation of land use planning agencies
Would provide supplemental funding for flood protection	Can only be used for capital improvements benefitting new development
“Growth pays for growth”	Unstable revenue source

**Purpose:** Generate revenue to support flood protection and storm water drainage projects driven by new development.

**District Authority to Implement?** Yes

**Next Steps:** Engage a consultant to undertake a comprehensive impact fee study. Cost would range from \$75K to \$100K. Study would determine what percentage of existing and/or future flood protection and storm water drainage projects would benefit new development. Begin campaign to reach out to land use agencies to gain their cooperation. Explore opportunities for developers to pay for the impact of new development via mitigation efforts.

- Zone 7 Water Agency implemented a flood protection and storm water drainage development impact fee in 2009. The Zone 7 program is intended to provide funding for any flood protection facilities required for new development. Funds are expended on the

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planning design, lands and right of way acquisition, environmental review, permitting, and construction for drainage projects.

- Section 5.9 of the District Act authorizes the District to impose a development impact fee on new development to pay for storm drainage and flood protection improvements. The District would need to demonstrate that newly developed land has not already been charged its fair share as part of any other existing property tax assessment. And again, the District would need to arrange collection and remittance procedures with all land use planning agencies in the county.

**Discussion:** The District has the authority to impose a development impact fee for flood protection. An “incremental” development impact fee alternative is based on the concept that new development pays for the incremental cost of system capacity needed to serve new development. This alternative would be inconsistent with the District’s current business model, which is to construct flood protection projects for a fully developed community. However, the District could explore a “buy in” development impact fee alternative, which is based on the principle of achieving capital equity between new and existing customers. Although flood protection projects are quite expensive, other agencies have implemented development impact fees to collect less than 10% of the cost of the facilities needed to serve new development, with the remainder being funded by non-development impact fee sources.

There may be opportunity to have developers pay for the impact of new development via mitigation efforts instead of through a development impact fee, which the District could explore.

**Recommend pursuing next steps.**

**3a. Benefit Assessment – Water Utility**

Pros	Cons
Requires property owner majority voter approval, weighted by assessment (lower threshold than two-thirds voter approval for special tax)	Requires property owner majority voter approval, weighted by assessment (possible “no” vote)
Would reduce water charge projection	<b>Must be based on benefit per parcel; Engineer’s report required</b>
Stable revenue source	Cannot be used to fund projects that provide general countywide benefits
	Staffing, engineer’s report, and election costs could total several million dollars

**Purpose:** Pay for Pacheco Reservoir Expansion or a suite of Water Utility projects with the Pacheco Reservoir Expansion as the anchor project.

**District Authority to Implement? Yes**

**Next Steps:** Conduct polling to determine chance of success. Determine target Water Utility project(s). Then engage engineer to prepare Engineers report, which would describe the project and describe the method to apportion the costs among specific parcels based on benefit. It is possible that the existing groundwater charge zones of benefit (Zone W-2 and Zone W-5) could be leveraged for Water Utility benefit assessments.

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- An idea is that the District could establish a benefit assessment zone or zones for the water conservation program (with the goal to remove the water conservation program from being funded by water charges).

**Discussion:** While this alternative appears simple enough, developing a nexus that would link the project benefits to each individual parcel in order to satisfy the stringent Proposition 218 requirements would be a significant challenge. None of the wholesale comparator agencies reviewed in the “Revenue Options Assessment, November 2017” Report prepared by Mr. Statler, have a benefit assessment for water supply projects.

**Recommend not pursuing.**

### 3b. Benefit Assessment – Flood protection

Pros	Cons
Requires property owner majority voter approval, weighted by assessment (lower threshold than two-thirds voter approval for special tax)	Requires property owner majority voter approval, weighted by assessment (possible “no” vote)
Would provide supplemental funding for flood protection	Must be based on benefit per parcel; Engineer’s report required
Stable revenue source	Cannot be used to fund projects that provide general countywide benefits
	Staffing, engineer’s report, and election costs could total several million dollars

**Purpose:** Pay for flood protection project(s) TBD.

**District Authority to Implement?** Yes

**Next Steps:** Conduct polling to determine chance of success. Determine target flood protection project(s). Then engage engineer to prepare Engineers report, which would describe the project and describe the method to apportion the costs among specific parcels based on benefit.

**Discussion:** This alternative is currently being used by the District. The District has 5 watershed zones, 4 of which currently have a benefit assessment in place to pay for debt obligations. The Uvas-Llagas Watershed is the only zone without a benefit assessment as the debt was paid off in FY 2012-13. The benefit assessments for the other 4 zones are not scheduled to be paid off until FY 2029-30. The District’s existing flood protection benefit assessments are based on land use categories and parcel size, which approximate the benefit of a flood protection project to that parcel relative to another parcel. However, since the passage of Proposition 218, nexus requirements are more stringent, which would likely mean that only those properties in a flood plain would directly benefit from a flood protection project. Since flood protection projects are very expensive, a new benefit assessment would likely be too expensive and therefore unviable.

**Recommend not pursuing.**

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### 3c. Benefit Assessment – Creekside Properties

Pros	Cons
Requires property owner majority voter approval, weighted by assessment (lower threshold than two-thirds voter approval for special tax)	Requires property owner majority voter approval, weighted by assessment (possible "no" vote)
Would provide supplemental funding for District activities such as encampment clean up, debris removal, environmental enhancements, etc...	Must be based on benefit per parcel; Engineer's report required
Stable revenue source	Cannot be used to fund projects that provide general countywide benefits
	Staffing, engineer's report, and election costs could total several million dollars

**Purpose:** Pay for District activities to maintain and enhance creeks.

**District Authority to Implement?** Yes

**Next Steps:** Work with community leaders to generate interest in a community or property-owner led effort to establish a benefit assessment zone for properties that back to a creek. Conduct polling to determine chance of success. Determine target creekside activities that would be paid for by the benefit assessment. Then engage engineer to prepare Engineers report, which would describe the project and describe the method to apportion the costs among specific parcels based on benefit.

**Discussion:** This alternative could help address the issue of Creekside maintenance on non-District owned property. Ideally, this is something that the community would ask for. This alternative could be piloted in a particular area and then expanded if successful.

**Recommend pursuing next steps.**

### 4. Silicon Valley Community Foundation

Pros	Cons
Leverage philanthropic organizations and individuals to help support District mission related causes	Cost would likely be 5% of the donation in the beginning, moving to a flat fee as the workload associated with the program becomes known
Would potentially provide supplemental funding for District activities	Potentially unstable revenue source depending on how it is established.
District would not need to establish a 501(c)(3) (saves staff time)	
Maintains healthy separation between donor funds and the District	

**Purpose:** Establish a fund that would accept charitable donations and pass them on to the District (or to District customers or partners) for agricultural preservation (to potentially offset open space credit or purchase open space lands in partnership with other agencies), or trails and recreation, or to address homelessness for example.

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**District Authority to Implement? Yes**

**Next Steps:** Staff to further research the feasibility of a donation funding concept and develop a roadmap of actions that could be taken to establish a program. Research partnership opportunities with agencies like the Santa Clara Valley Open Space Authority, Midpeninsula Regional Open Space District, Sierra Club, Greenbelt Alliance, and others. Pursue establishment of a "special projects fund" under the SVCF, which would receive donations from philanthropic organizations and individuals, and distribute the donations to the District on a periodic basis in the form of a grant. The District would be responsible for fund raising, and Board members would likely need to take a lead role in fund raising efforts with staff providing technical support.

**Discussion:** This alternative would not be easy, but may be feasible. SVCF does not solicit donors, that work would need to be done by the District. However, events could be organized for the purpose of raising money for causes, like agricultural preservation, encampment cleanup, and trails. This idea could be piloted for agricultural preservation and expanded to other worthy causes later if successful. There may be opportunity to partner with like-minded agencies on these efforts, which could enhance the feasibility of this option but which should be piloted first.

**Recommend pursuing next steps.**

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## NEW REVENUE IDEAS THAT REQUIRE SPECIAL LEGISLATION

### 5. Sales Tax

Pros	Cons
Potential to leverage County authority to establish a sales tax	<b>Special legislation must be sought from the state legislature to enable the District to levy a sales tax</b>
Would provide supplemental funding for District activities	<b>Sales tax rates are at statutory limit for Cities of San Jose and Campbell</b>
	Requires two-thirds voter approval (possible "no" vote)

**Purpose:** Generate revenue to support water affordability and environmental stewardship.

**District Authority to Implement?** No, would require special legislation to allow District to adopt this tax. However, the District could potentially partner with the County to levy a tax.

**Next Steps:** Research statutory limits for sales taxes to determine if this is a viable option. If so, reach out to County officials to gauge interest in partnering on a tax measure. Conduct polling to determine chance of success.

**Discussion:** This alternative does not appear to be viable in light of the statutory limit. One could argue that a sales tax unfairly targets lower income persons.

**Recommend not pursuing.**

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## 6. Employee Head Tax

Pros	Cons
Would shift funding burden from residential to business	<b>Special legislation must be sought from the state legislature to enable the District to levy a business license tax</b>
Would provide supplemental funding for District activities	Potential heavy opposition from business community
	Requires property owner majority voter approval (possible "no" vote)

**Purpose:** Generate revenue to support water affordability and environmental stewardship.

**District Authority to Implement?** No, would require special legislation to enable the District to levy a business license tax.

**Next Steps:** Conduct polling to determine chance of success. Engage in effort to obtain legislative authority to levy a business license tax.

**Discussion:** This alternative would not only require special legislation to be viable, it would spark heavy opposition from the business community, which would not bode well for the District's potential efforts to solicit donations to pay for agricultural preservation, encampment cleanup etc...

**Recommend not pursuing.**

## 7. General Obligation Bond

Pros	Cons
Would provide supplemental funding for District activities	<b>Special legislation must be sought from the state legislature to enable the District to issue general obligation bonds</b>
	Requires two-thirds voter approval (possible "no" vote)
	Can only be used for capital improvements

**Purpose:** Generate revenue to support water utility and/or flood protection capital improvements.

**District Authority to Implement?** No, would require special legislation to enable the District to issue general obligation bonds.

**Next Steps:** Conduct polling to determine chance of success. Engage in effort to obtain legislative authority to issue general obligation bonds.

**Discussion:** The District has existing authority to levy a special tax upon achieving the same two-thirds voter approval threshold, and a special tax has fewer restrictions on the use of revenues.

**Recommend not pursuing.**

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## OTHER NEW REVENUE OPPORTUNITIES

### 8. Potential State Ballot Measure that would Refine Proposition 13

Schools and Communities First, a wide-ranging group of community organizations, education advocates, unions and foundations is attempting to put an initiative on the November 2020 state ballot that would refine Proposition 13. The proposed ballot measure calls for a split tax roll that would require commercial and industrial property – but not homes and small businesses – to be regularly assessed and taxed at their full value. If passed, it is estimated that this change could bring \$20M per year incremental property tax revenue to the District.

Pros	Cons
The ballot measure could pass with little active effort from the District	Anticipated opposition from the business community
Would provide supplemental funding for District activities estimated at \$20M per year	

**Discussion:** This potential ballot measure could bring in substantial incremental revenue, but could draw significant opposition from the business community.

**Recommend evaluating the initiative.**



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# Santa Clara Valley Water District

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**File No.:** 20-0935

**Agenda Date:** 11/24/2020

**Item No.:** 8.1.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Office of Civic Engagement Annual Board Update 2020.

### **RECOMMENDATION:**

Receive information and updates on the programs and activities in the Office of Civic Engagement.

### **SUMMARY:**

Staff is providing the Board with the annual update for the Office of Civic Engagement. This report covers the period from December 2019 through October 2020.

The Office of Civic Engagement manages the following program areas:

- Water Supply Outreach & Volunteer Stewardship
- Community Benefits
- Watershed Outreach & Education
- Youth Commission

All programs are designed to educate, engage, and make positive impacts in the community through partnerships and collaborations in support of Santa Clara Valley Water District's (Valley Water) goals and mission.

This year, due to the global COVID-19 pandemic, many of the community engagement and outreach programs and activities were temporarily impacted early on. All in-person tours, classroom presentations, and large volunteer cleanup events were postponed or cancelled altogether. Despite shelter-in-place orders staff pivoted quickly to continue engagements through virtual platforms and developed social distancing guidelines to adhere to public health orders. Within weeks of the countywide shelter-in-place order, most programs were back up and available to the public through virtual platforms.

### **Water Supply Outreach and Volunteer Stewardship Program**

The Water Supply Outreach and Volunteer Stewardship Program is responsible for educating the community on Valley Water's comprehensive water supply system, including recycled and purified water and various infrastructure projects. The program area is also responsible for the implementation of community volunteer programs, such as the Water 101 Academy and Creek

Stewardship.

The **Water Supply Outreach** program hosted educational tours of Valley Water's various infrastructure projects, flood protection projects, water treatment plants, as well as the Silicon Valley Advanced Water Purification Center. The comprehensive tour launched earlier this year as a bus tour. In February, over 35 community members boarded the first bus tour that took them from Anderson Dam to the Penitencia Water Treatment Plant, then through the Downtown Guadalupe Flood Protection Project and over to the Silicon Valley Advanced Water Purification Center. Soon after the launch of the bus tour, the Santa Clara County Public Health Department announced the shelter-in-place order in response to the COVID-19 pandemic. Staff immediately began developing a virtual tour program to continue engaging the community.

The virtual tour takes the bus tour and breaks it down to a four-part series that includes: Water Supply; Water Treatment & Water Quality; Flood Protection & Safe, Clean Water; and Purified Water & Water Reuse. The comprehensive tour series allows attendees to pick and choose different stops or to sign up for all four. This year, staff hosted 62 tours, reaching over 1,300 attendees despite the pandemic. Of the 62 tours, 51 were virtual tours. Prior to the shelter-in-place order, staff provided over 110 taste tests of bottled purified water during the in-person purification center tours. Staff also launched a Spanish language tour of the purification center to increase engagement in more diverse communities. Staff reached over 60 Spanish speaking community members in its inception tour. Staff will continue to offer Spanish tours for the community. Staff is also looking into providing self-guided tours in other languages.

Under the agency wide Volunteer Program is the **Water 101 Academy**, which has graduated two cohorts of water ambassadors. The second academy launched in February with the first session taking place in person before the shelter-in-place order was issued. Staff delivered the remaining five sessions via zoom and graduated 20 of the 21 ambassadors. Staff continues to engage the ambassadors through working groups to develop potential volunteer projects and quarterly newsletters to share regular information and keep all ambassadors engaged within the network. Staff is preparing to launch the third Water 101 Academy this coming spring 2021.

The **Creek Stewardship Program** provides opportunities for the community to engage in cleanup activities, such as volunteering for National River Cleanup Day or Coastal Cleanup Day and through participating in the Adopt-A-Creek Program, which allows the community to adopt sections of creek on Valley Water property and commit to cleaning them at least twice a year. This year, due to the pandemic, National River Cleanup Day was cancelled and the Adopt-A-Creek program was put on hold temporarily. Staff utilized the opportunity to develop and expand safety guidelines that would allow volunteers to continue engaging in creek cleanups, but in accordance with public health orders. The Adopt-A-Creek program was reopened in August with new social distancing protocols. In September, in partnership with the California Coastal Commission and the Creek Connections Action Group, staff launched a modified Coastal Cleanup event that called on volunteers to take action every Saturday in September, declaring all four Saturdays "Coastal Cleanup Days." Volunteers were encouraged to clean up around their neighborhoods and community, within their own households or social bubbles. Over 1,240 volunteers participated and cleaned 336 miles throughout the county, removing 47,272 pounds of trash in the modified Coastal Cleanup event.

This year, in total, the Creek Stewardship Program mobilized 1,266 volunteers to remove over 47,798 pounds of trash along 338 miles of creek.

### **Community Benefits Program**

The Community Benefits Program is responsible for the management and oversight of the following programs: Safe, Clean Water and Natural Flood Protection (Safe, Clean Water) Grants & Partnerships and Public Arts & Signage.

**Safe, Clean Water Grants & Partnerships Program** is responsible for reinvesting over \$30 million in funding back into the community through grants & partnerships. Funds are used to support projects in the areas of water conservation, pollution prevention, volunteer outreach and education, wildlife restoration, and trails and open space. This year, the program awarded over \$1.1 million through 20 grant projects:

- 12 Restore Wildlife Habitat mini-grants (\$57,914)
- 1 Water Conservation mini-grant (\$5,000)
- 5 Pollution Prevention grants (\$478,969)
- 2 Restore Wildlife Habitat standard grants (\$580,531)

The program also released over \$1 million in funding this past September for the FY21 grant cycle and will be bringing funding recommendations to the Board in early spring 2021. Staff is also continuing to build out the grants management system with the vendor, Grantbook, to increase the functionalities of the system to better meet the needs of the program for staff and grantees. Additionally, the grants program is undergoing a grants management performance audit to address challenges and concerns to deliver a more effective and efficient program that meets best practices of a publicly funded grants program and the needs of the wider community.

The **Public Arts & Signage Program** provides Valley Water the opportunity to be visible throughout the community and inform the public about important messages, such as public safety, stewardship, and identifying markers for key facilities.

This year, in an effort to increase the inventory of identified and documented Valley Water signage, staff worked with the Silicon Valley Bicycle Coalition to expand on the success of the pilot sign scavenger hunt in fall 2019 and launched the Great Sign Hunt 2020. The countywide sign hunt was slated to take place in April 2020, however, due to the COVID-19 pandemic, the scavenger hunt was delayed until June when the County Public Health Order allowed for more outdoor activities. The Great Sign Hunt called on community members to ride bikes or walk trails around the county and take photos of Valley Water signs. Participants then uploaded the photos to a GIS app on their mobile devices that logged the signs into Valley Water's signage database. Participants were entered into monthly raffle drawings for prizes to incentivize and encourage more participation. The scavenger hunt was opened for four months and led to over 10,000 signs inventoried, of those approximately 4,500 signs were unique (not duplicates).

Additionally, staff continued working with the Youth Commission to pilot the Adopt-A-Bench Project.

Designs for the seven benches were approved by their respective city's art commissions or city administration. The Youth Commission assisted the local artist, Paul J. Gonzales with painting the artwork on the tiles. Staff has identified an installer to begin installing the art tiles on all seven benches. Depending on weather for the upcoming winter season, staff anticipates all seven benches to have their artwork installed by summer 2021.

### **Watershed Outreach and Education**

The **Watershed Outreach and Education** program oversees the Community Rating System and the Education Outreach program.

The **Community Rating System** (CRS) is a program under the Federal Emergency Management Agency (FEMA) that allows communities to earn flood insurance premium discounts for their residents and businesses. As the lead agency providing flood protection for Santa Clara County, Valley Water's participation as a fictitious agency, results in credits for specific flood risk-reduction activities. The credits are then transferred to participating communities in the county, which translates to discounts for flood insurance policyholders' premiums within their respective cities/jurisdictions.

Every five years, all participating agencies undergo a five-year verification process conducted by FEMA. Last August, Valley Water's CRS program underwent the process and the results were provided this past July. The verification visit determined that Valley Water earned a total of 1,846 credit points for all its activities resulting in an upgrade from a CRS Class 8 to a Class 7. The activity area where Valley Water was nearly perfect is in Activity 330 - Outreach Projects. Credits for this area is enhanced by developing a Program for Public Information (PPI) which helps to guide the outreach efforts. Valley Water is currently working on the next 5-year PPI with the other participating agencies in Santa Clara County. The updated 5-year PPI will be brought to the Board early next year for approval.

Staff is also working on developing a more robust regional coordinator model for the CRS program. Valley Water currently implements a facilitator model that provides some technical support and assistance for participating agencies in the county. However, a more robust regional model would allow Valley Water to centralize some of the creditable activities and potentially reduce cost for the participating agencies.

The **Education Outreach Program** focuses on engaging students throughout the county, ranging from K-12 and college, on issues pertaining to water conservation, environmental stewardship, and flood protection. This year, due to the COVID-19 pandemic, all in-classroom presentations and in-person summer camp engagements were cancelled. Immediately after the shelter-in-place order, staff transitioned various lessons to distanced learning modules. The team offered various virtual lessons such as Hidden Water, Watershed Maps, and story time for the younger audiences. The team provided public programming that allowed for students and parents to sign up and engage via Zoom. The team also partnered with San Jose Public Library to offer several virtual summer programs.

This year, through in-person and virtual programs, the team hosted 144 presentations to schools and various organizations throughout the county, reaching over 12,000 students, 436 teachers, and over

900 community members. The team also launched a teacher newsletter and an expanded outreach and media plan to get the word out about the virtual programming.

### **Youth Commission**

The **Youth Commission** is a Board Advisory Committee made up of 21-high school students throughout Santa Clara County that have been appointed by Valley Water's Board of Directors. The Youth Commission works to ensure that youth voice is heard and empowered at policy and decision-making levels.

This year, the Youth Commission hosted the annual Job Shadow Day in February, which drew in 42 high school students throughout the county from 20 different high schools. Eight seniors on the Youth Commission graduated from high school and staff hosted a virtual graduation in May. Staff spent the summer recruiting new commissioners. At the Youth Commission virtual meeting in August, new commissioners were sworn in and a new chair and vice chair were elected. Staff also hosted a virtual retreat in October to allow the new and returning commissioners to get to know each other better and to develop their workplan for the new year. The Youth Commission also decided to retain the same working groups as last year in order to continue some of the unfinished projects from the previous year. The working groups are: Mentorship/Career Shadowing, Creek Stewardship, Adopt-A-Bench, and Youth Citizens Science Network.

### **Looking Ahead**

This past year challenged the team to be creative and resilient during a global public health crisis that shut down the entire world. In spite of the uncertainties of the pandemic, the team found creative and innovative ways to achieve its goals and continued engaging the community to provide a little sense of normalcy and virtual "togetherness." Community engagements and public presentations transitioned to the virtual world and volunteer creek cleanups adopted new safety protocols. As a result, new programs and activities were developed for the community to remain informed, engaged, and educated. Staff also enhanced outreach strategies to reach broader communities, including faith-based organizations and organizations serving ethnic specific groups.

Staff will continue to build relationships with the community through our existing programs and further enhance the virtual platforms in which the programs are delivered. Staff is currently in the planning stages of several programs, which will continue to take place in a virtual setting such as the third annual Water 101 Academy, the Youth Commission led Job Shadow Day for 2021, and the annual Volunteer Recognition event. Staff is also working on evaluating and recommending funding for up to \$1 million in grant projects, planning and developing our public arts mural program, and the development of a regional CRS program. Additionally, staff will continue a more proactive outreach approach in the community to ensure equity in terms of engagement in all our programs, such as grant opportunities, educational programs, creek stewardship, and volunteerism.

### **FINANCIAL IMPACT:**

The recommended action does not have any financial impact on Valley Water.

**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

Attachment 1: PowerPoint

**UNCLASSIFIED MANAGER:**

Marta Lugo, 408-630-2237

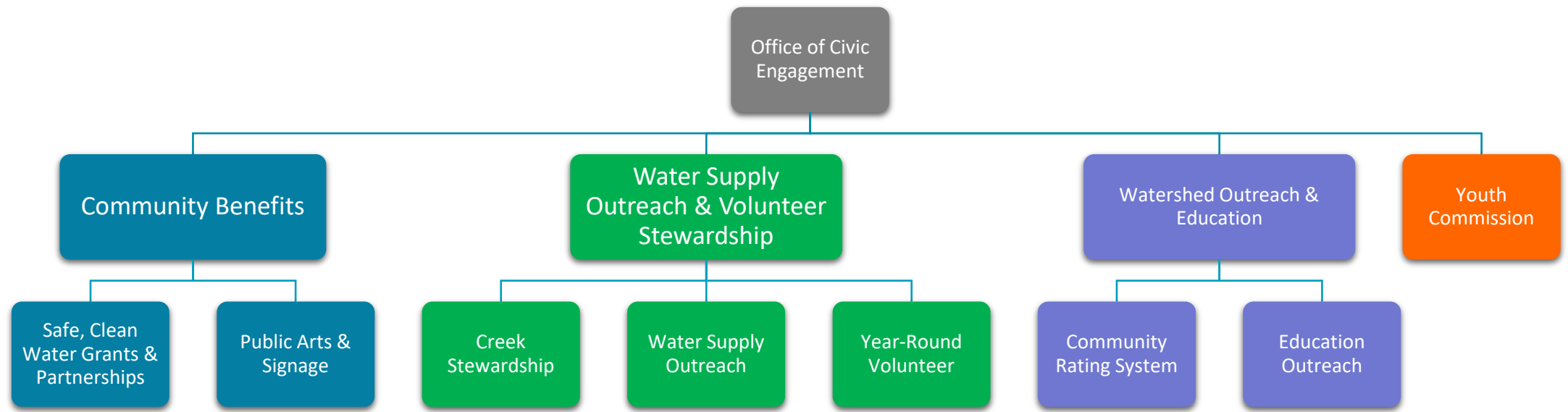


# Valley Water

Clean Water • Healthy Environment • Flood Protection



# Office of Civic Engagement 2020 Board Update



# Water Supply Outreach



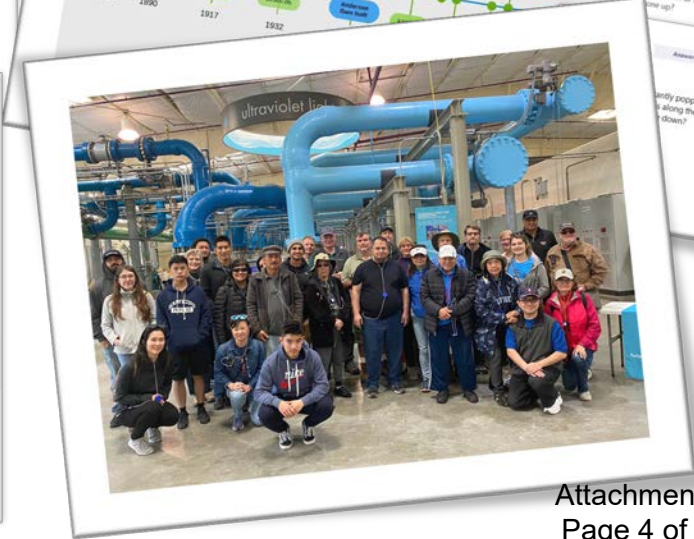
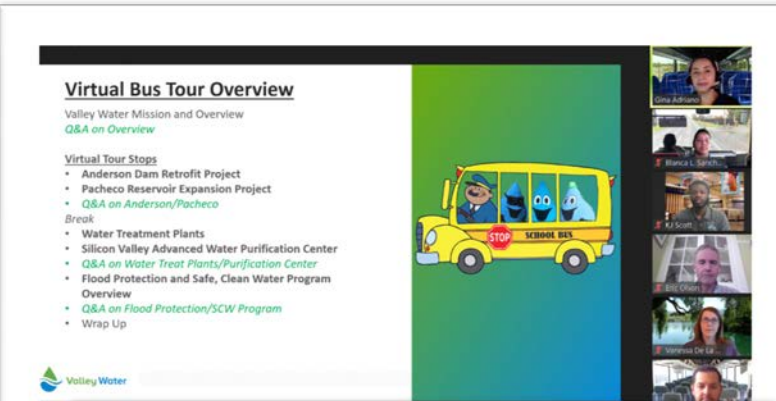
62 tours  
(51 virtual)



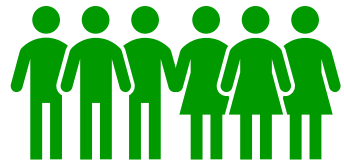
1,300 attendees



101 taste tests



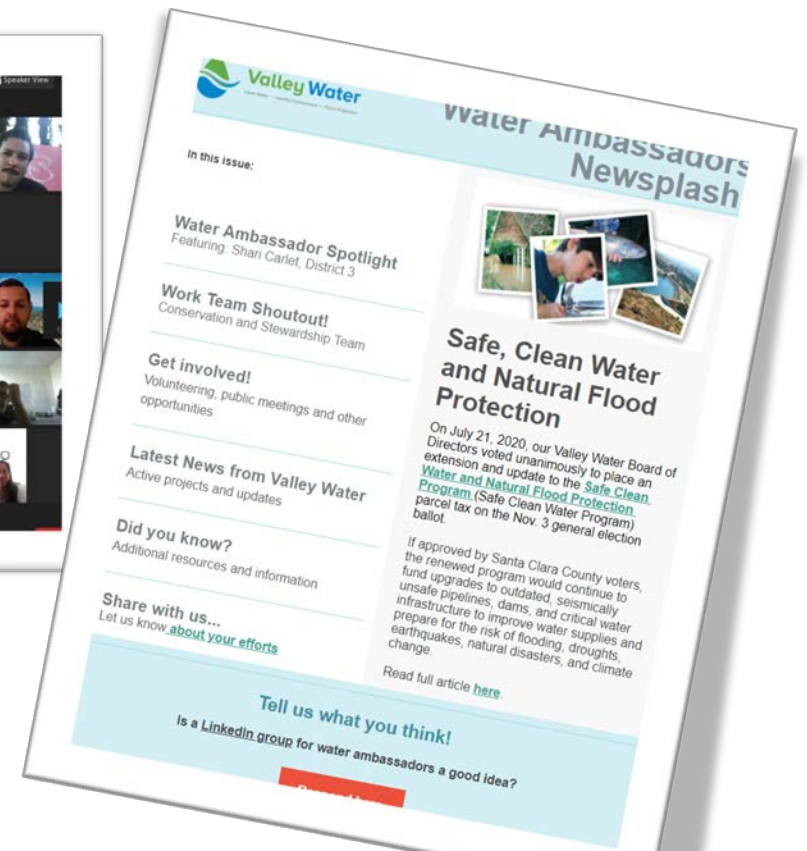
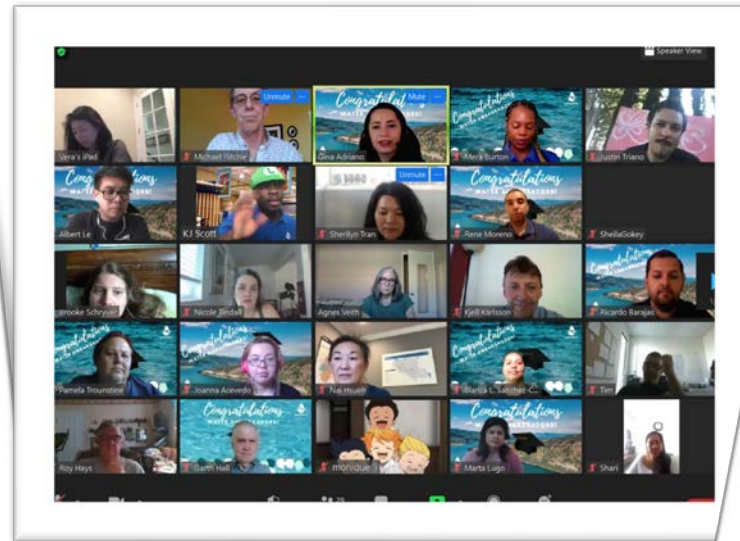
# Water 101 Academy



Graduated 20 water ambassadors



Launched quarterly ambassador newsletter



# Creek Stewardship

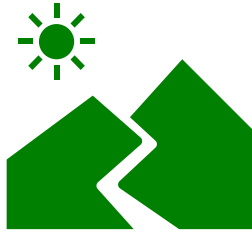
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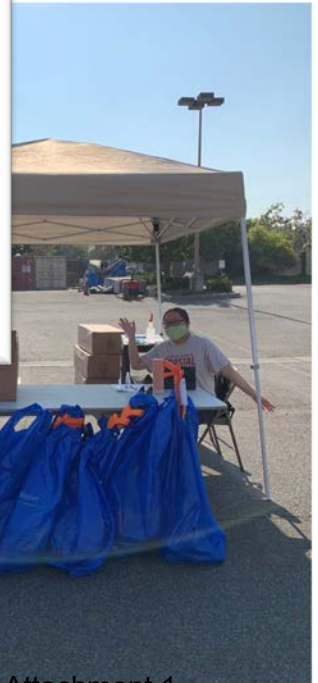
1,266 volunteers



47,798lbs



338 creek miles



# Grants & Partnerships



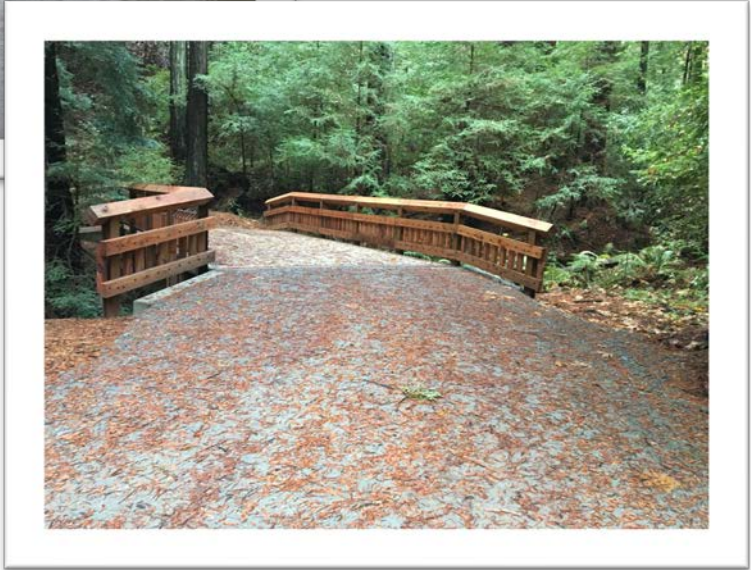
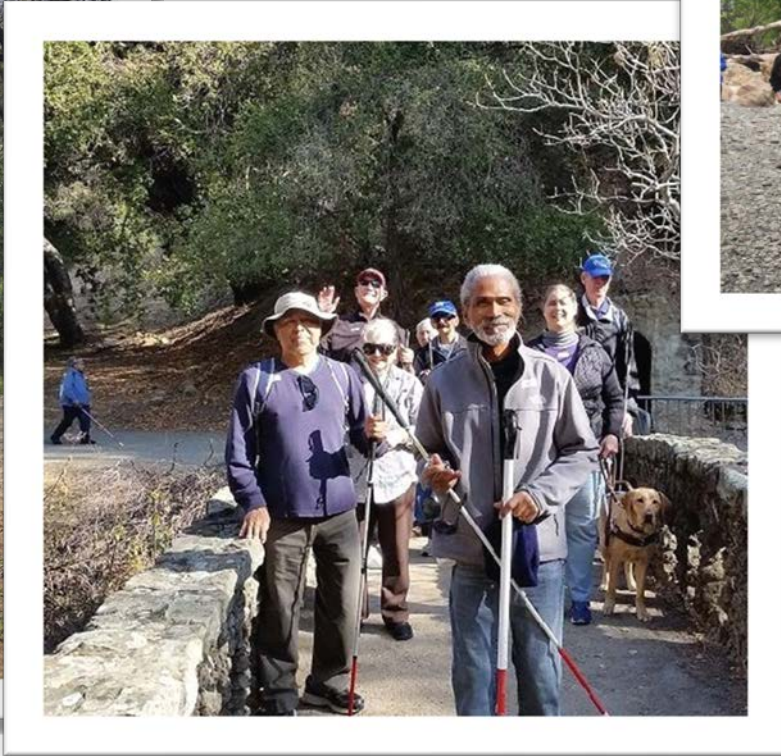
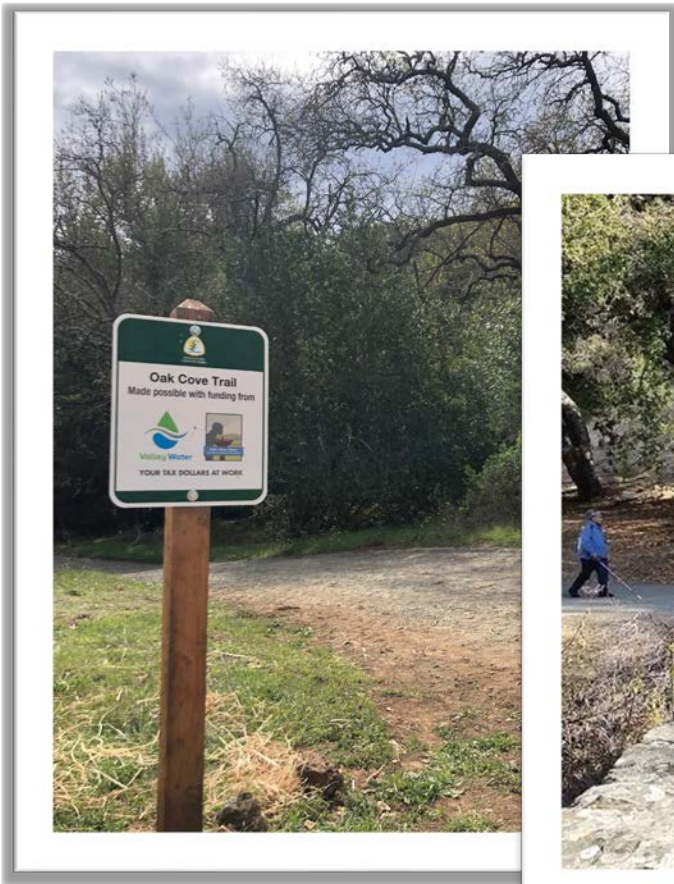
\$1.1 million grant funds awarded



Funded 20 new projects



Closed out 17 projects



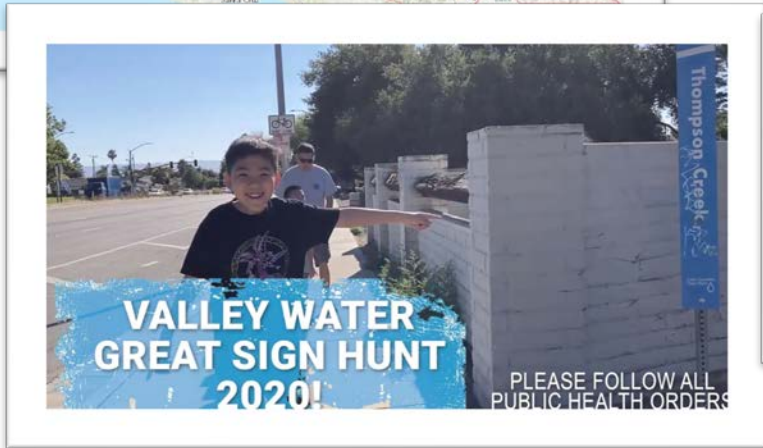
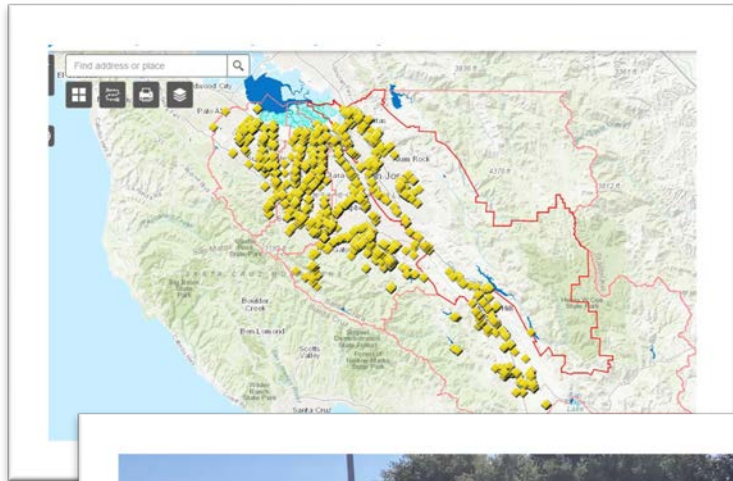
# Public Arts and Signage



Over 8,300 signs identified



7 benches



# Community Rating System



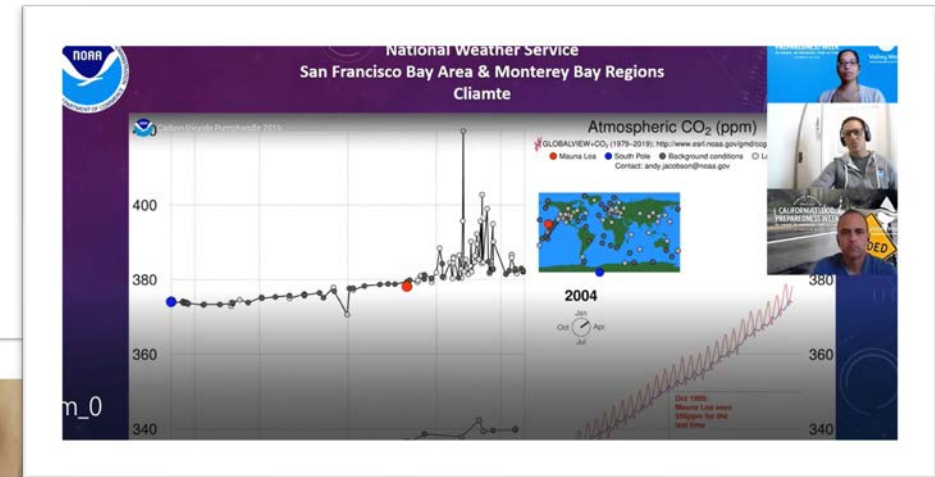
CRS Rating Improved to Class 7



Distributed 4,300 totes to Second Harvest Food Bank



Hosted virtual California Flood Preparedness Week





# Education Outreach

10



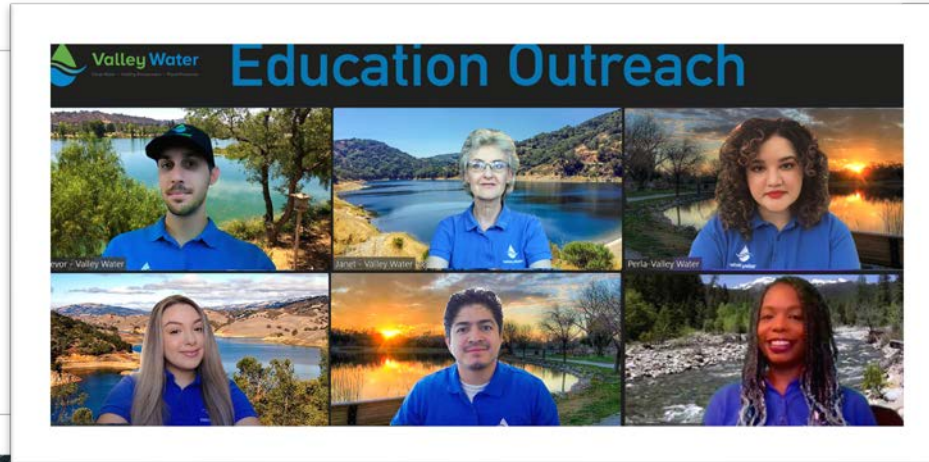
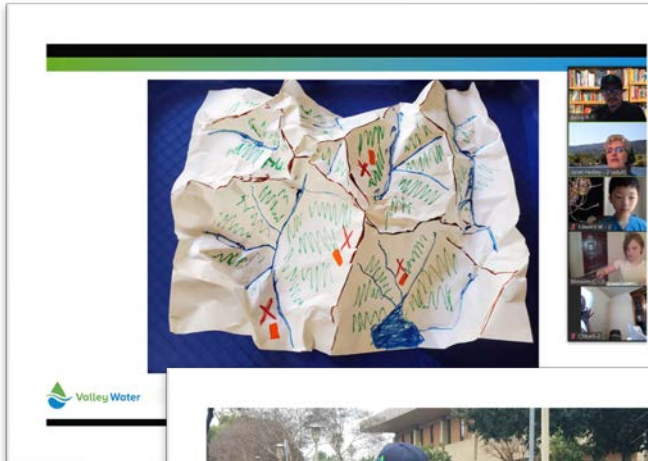
12,000 students



436 teachers



144 school presentations



**How much water does it take to produce dinner?**

Food	Gallons of water used to produce	Alternative Food Suggestion	Gallons of water used to produce
Beef Steak	1200	Chicken	330
Mashed potatoes	15	✓	15
Garden Salad	15	✓	15
Glass of Soda	10	✓	10
Apple Pie	90	Cookie	
<b>Total Water Used:</b>	<b>1330</b>	<b>Total Water Used:</b>	<b>Total Water Saved:</b>



# Youth Commission

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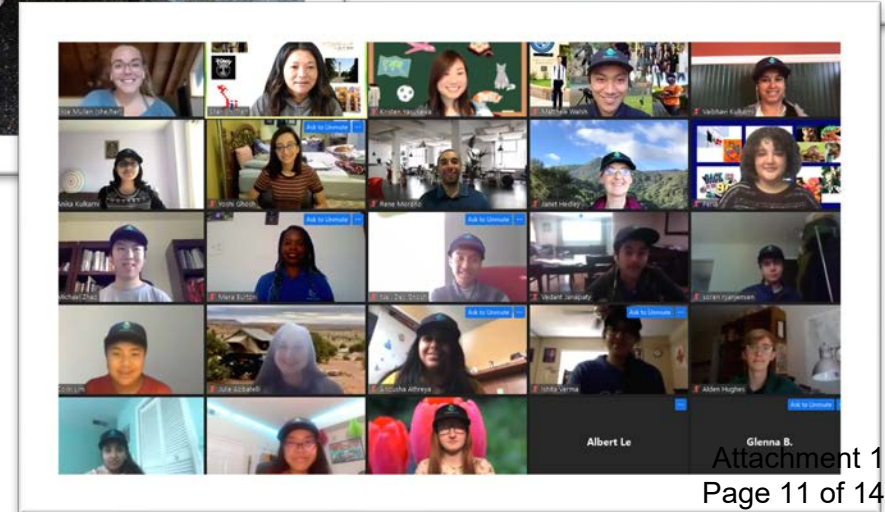
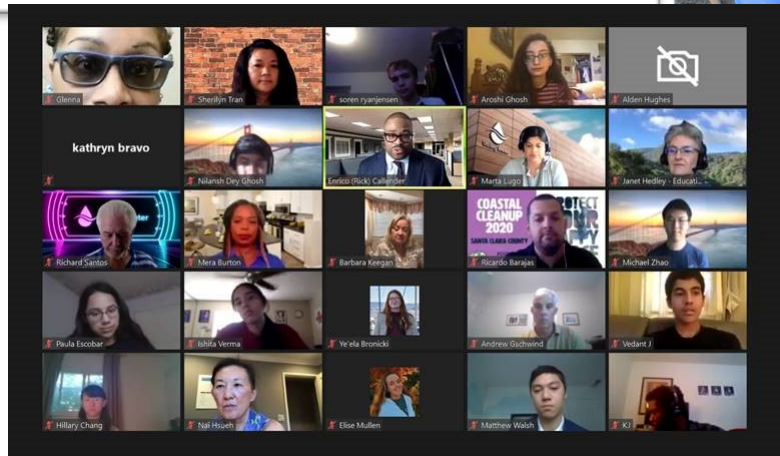
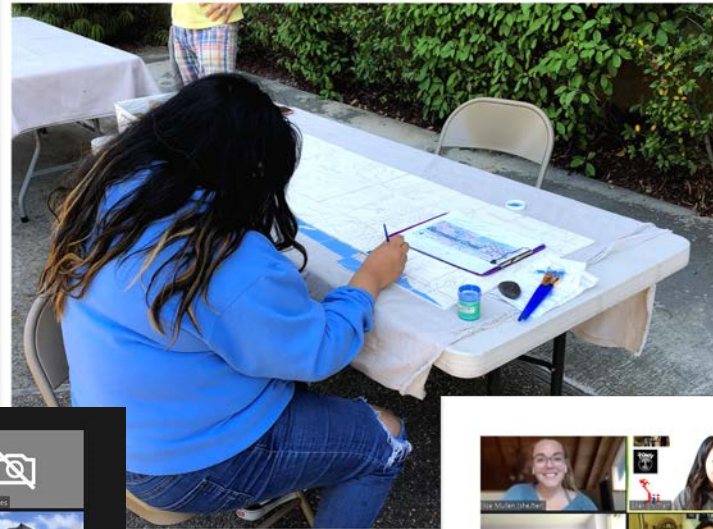
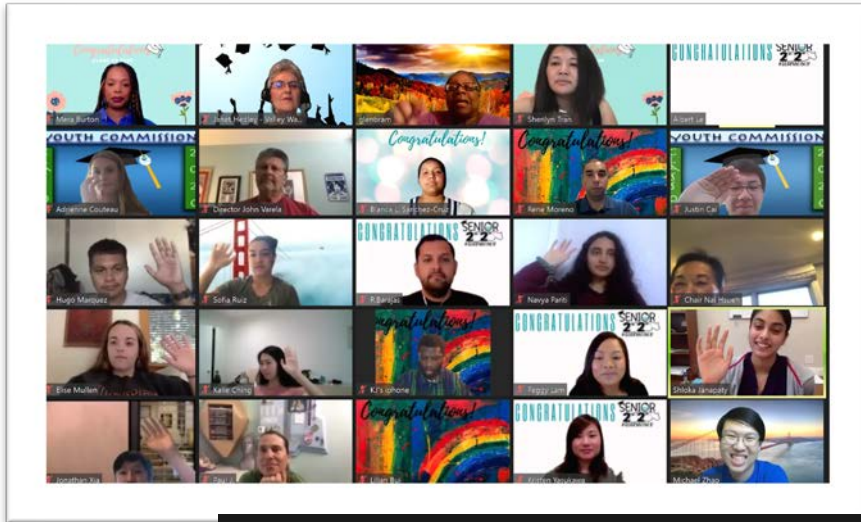
21 highly engaged youth



8 Graduated Seniors



Working Groups



# VIDEO

12

# QUESTIONS





# Valley Water

Clean Water • Healthy Environment • Flood Protection



# Santa Clara Valley Water District

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**File No.:** 20-1096

**Agenda Date:** 11/24/2020  
**Item No.:** \*9.1.

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## BOARD AGENDA MEMORANDUM

**SUBJECT:**

CEO and Chiefs' Report.

**ATTACHMENTS:**

\*Handout 9.1-A: Office of Government Relations Update

\*Handout 9.1-B: Election Results

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NOVEMBER 24, 2020

## Office of Government Relations Legislative Update



### FEDERAL ADVOCACY EFFORTS



US Capitol

#### 2020 Federal Election Roundup

As it stands now, former Vice President Joe Biden has been declared the winner of the presidential election, with U.S. Senator Kamala Harris as the Vice President-elect. Current President Donald Trump has thus far vowed to challenge the results in court and force recounts of several states. Assuming the results hold, Mr. Biden and Ms. Harris will be sworn in on January 20, 2021.

All four Congressional Members in Santa Clara County easily won reelection. Neither Senator Dianne Feinstein nor Senator Harris were up for reelection, but Senator Harris' election as Vice President means that Governor Newsom will now need to appoint someone to carry out her remaining Senate term (through 2022). There is much speculation about who Governor Newsom will select for that seat, but possible contenders include California Secretary of State Alex Padilla, California Attorney General Xavier Becerra, and Congresswomen Karen Bass and Barbara Lee.

The U.S. House of Representatives will remain in Democratic control, although the Democrats hold just 216 seats (218 are needed for control) to the Republicans' 196. Nearly two dozen races have yet to be called. The 117th Congress will be sworn in on January 3, 2021, and Nancy Pelosi will likely remain Speaker for another two years.

The picture in the U.S. Senate remains less clear. Two races, Alaska and North Carolina, have yet to be called. In Alaska, Republican incumbent Dan Sullivan is leading Democratic challenger Al Gross; in North Carolina, Republican incumbent Thom Tillis is leading Democratic challenger Cal Cunningham. Both incumbents are expected to win, giving the Republicans a 50-48 majority with two outstanding races in Georgia that will go to a runoff on January 5, 2021. If the Democrats can win both of those seats, the party will have 50 seats and incoming Vice President Kamala Harris will cast the tiebreaking vote. If the Republicans win even just one of the Georgia seats, the chamber will remain under Republican control.

### STATE ADVOCACY EFFORTS



State Capitol

#### 2020 State Legislature Election Outcome

The election has increased the California Democratic 2/3 supermajority to 32-8 in the Senate and 61-17, with 1 independent in the Assembly. While the supermajority by the Democratic Party means some policies may be easier to adopt, it has been shown in the last several years that Democrat legislators are far from a monolithic voting bloc. Democrat legislators from the Central Valley often have different perspectives on progressive policies than do their counterparts from coastal areas.

Among the Valley Water delegation, several legislators who had been in office more than a decade were termed out: Senator Jim Beall (D-San Jose) will be replaced by Dave Cortese; Senator Jerry Hill (D-San Mateo) will be replaced by Josh Becker; and Senator Bill Monning (D-Carmel) will be replaced by returning legislator John Laird. Laird first served in the Assembly from 2002-2008 and later served as Natural Resources Agency Secretary from 2011-2019.

### LOCAL ADVOCACY AND ENGAGEMENT EFFORTS

#### Director Varela Updates Morgan Hill Residents at Town Hall Event

On October 22, Director Varela attended the virtual Town Hall hosted by the City of Morgan Hill. Director Varela provided an overview of Valley Water's Safe Clean Water & Natural Flood Protection Program renewal and the various projects of benefit to the residents of Morgan Hill, including the Anderson Dam Seismic Retrofit Project and the Llagas Creek Flood Protection Project.

#### Director LeZotte Updates Erikson Residents at Neighborhood Meeting

On October 28, Director Linda LeZotte attended the Erikson Neighborhood Association meeting and presented

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on Valley Water actions to address the litter and debris issues near the Guadalupe River. Director LeZotte also informed residents about different project elements included in the proposed renewal of the Safe, Clean Water Program, which would continue to fund cleanup of large creekside encampments, and facilitate better coordination with cities and social services agencies on those efforts, among other community-identified priorities.

### Upcoming November Activities

Note: due to the Coronavirus (COVID-19) outbreak, staff is not physically participating in any events during the month of November. Staff is participating in virtual events as they are planned, including WaterPalooza! on December 2-3 and will assess participation in events in December to follow the most current shelter in place order.

## Federal Legislation Active in November 2020 with Board-Approved Positions:

Bill (Author)	Subject	Position	Status
H.R. 548 (Calvert)	Federally Integrated Species Health (FISH) Act	Support	Introduced and referred to the House Committee on Natural Resources
H.R. 357 (Garamendi)	Sacramento-San Joaquin Delta National Heritage Area Act	Support	Signed into law as part of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (P.L. 116-9)
S. 40 (Barrasso)	Bureau of Reclamation Transparency Act	Support and Amend	Introduced and referred to the Senate Committee on Energy and Natural Resources
H.R. 1137 (Garamendi)	To amend the Water Resources Development Act of 1986 to repeal the authority relating to reprogramming during national emergencies	Support	Introduced and referred to the House Committee on Transportation and Infrastructure
S. 326 (Udall)	Restrictions Against Illegitimate Declarations for Emergency Re-appropriations (RAIDER) Act of 2019	Support	Introduced and referred to the House Committee on Appropriations
H.R. 1162 (Napolitano)	Water Recycling Improvement and Investment Act	Support	Hearing held in the House Committee on Natural Resources (June 13, 2019)
H.R. 1132 (Speier)	San Francisco Bay Restoration Act of 2019	Support	Passed the House by voice vote (September 19, 2019)
H.R. 1497 (DeFazio)	Water Quality Protection and Job Creation Act	Support	Markup held in the House Committee on Transportation and Infrastructure, ordered to be reported favorably (October 29, 2019)
H.R. 658 (DeLauro)	National Infrastructure Development Bank Act of 2019	Support	Introduced and referred to the House Committees on Energy and Commerce; Transportation and Infrastructure; Financial Services; and Ways and Means
H.R. 1417 (Lawrence) / S. 611 (Sanders)	Water Affordability, Transparency, Equity, and Reliability (WATER) Act of 2019	Support	H.R. 1417: Introduced and referred to the House Committees on Transportation and Infrastructure; Energy and Commerce; Ways and Means; and Agriculture; S. 611: Introduced and referred to the Senate Committee on Environment and Public Works
H.R. 1621 (McClintock)	Water Supply Permitting Coordination Act	Support	Introduced and referred to the House Committee on Natural Resources
H.R. 2313 (Huffman)	Water Conservation Rebate Tax Parity Act	Support	Introduced and referred to the House Committee on Ways and Means
S. 923 (Feinstein)	Fighting Homelessness Through Services and Housing Act	Support	Introduced and referred to the Senate Committee on Health, Education, Labor and Pensions
H.R. 2473 (Harder)	Securing Access for the central Valley and Enhancing (SAVE) Water Resources Act	Support and Amend	Hearing held in the House Committee on Natural Resources (June 13, 2019)
H.R. 363 (Calvert)	Reducing Environmental Barriers to Unified Infrastructure and Land Development (REBUILD) Act of 2019	Support	Introduced and referred to the House Committee on Natural Resources
S. 1932 (Gardner)	Drought Resiliency and Water Supply Infrastructure Act	Support and Amend	Hearing held in the Senate Committee on Energy and Natural Resources (July 18, 2019)

## Federal Legislation Active in November 2020 with Board-Approved Positions:

Bill (Author)	Subject	Position	Status
H.R. 363 (Calvert)	Reducing Environmental Barriers to Unified Infrastructure and Land Development (REBUILD) Act of 2019	Support	Introduced and referred to the House Committee on Natural Resources
S. 1932 (Gardner)	Drought Resiliency and Water Supply Infrastructure Act	Support and Amend	Hearing held in the Senate Committee on Energy and Natural Resources (July 18, 2019)
S. 1730 (Harris) / H.R. 3115 (Pallone)	The Living Shorelines Act of 2019	Support	S. 1730: Introduced and referred to the Senate Committee on Commerce, Science, and Transportation; H.R. 3115: Markup held in the House Committee on Natural Resources, ordered to be reported favorably (September 25, 2019)
H.R. 3723 (Levin)	The Desalination Development Act	Support	Hearing held in the House Committee on Natural Resources (July 25, 2019)
H.R. 855 (Peters)	The Strengthening The Resiliency of Our Nation on the Ground (STRONG) Act	Support	Introduced and referred to the House Committee on Transportation and Infrastructure
S. 403 (Whitehouse) / H.R. 1159 (Cicilline)	Innovative Materials for America's Growth and Infrastructure Newly Expanded (IMAGINE) Act of 2019	Support and Amend	S. 403: Introduced and referred to the Senate Committee on Environment and Public Works; H.R. 1159: Introduced and referred to the House Committees on Transportation and Infrastructure; Science, Space, and Technology; and Energy and Commerce
H.R. 4033 (Kildee) / S. 2466 (Harris)	Water Justice Act	Support and Amend	Introduced and referred to the House Committees on Energy and Commerce; Budget; Ways and Means; Natural Resources; Agriculture; and Transportation and Infrastructure
S. 1837 (Gillibrand) / H.R. 3254 (Delgado)	Protecting Infrastructure and Promoting the Economy (PIPE) Act	Support and Amend	S. 1837: Introduced and referred to the Senate Committee on Environment and Public Works; H.R. 3254: Introduced and referred to the House Committee on Transportation and Infrastructure and the Committee on Energy and Commerce
H.R. 3091 (Loeb sack)	National Flood Research and Education Center Act	Support	Introduced and referred to the House Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure
S. 2236 (Booker) / H.R. 3923 (Ruiz)	Environmental Justice Act of 2019	Support	Introduced and referred to the Senate Committee on Environment and Public Works
H.R. 5752 (Costa)	Conveyance Capacity Correction Act	Support	Introduced and referred to the House Committee on Natural Resources
H.R. 5504 (Brownley)	To amend the National Dam Safety Program Act with respect to the definition of eligible high hazard potential dam, and for other purposes	Support	Introduced and referred to the House Committee on Transportation and Infrastructure
H.R. 5302 (McNerney)	Western Water Recycling and Drought Relief Act	Support and Amend	Introduced and referred to the House Committee on Natural Resources
H.R. 5316 (Cox)	Move Water Now Act	Support and Amend	Marked up in the House Committee on Natural Resources, ordered to be reported favorably (February 12, 2020)
H.R. XXXX (Pelosi)	Coronavirus Stimulus Phase 3 (became the Health and Economic Recovery Omnibus Emergency Solutions Act or the HEROES Act, H.R. 6800)	Support and Amend	Passed the House (May 15, 2020)

## Federal Legislation Active in November 2020 with Board-Approved Positions:

Bill (Author)	Subject	Position	Status
H.R. XXXX (Pelosi)	Coronavirus Stimulus Phases 3.5 (became the Paycheck Protection Program Flexibility Act, H.R. 7010) and 4	Support and Amend	H.R. 7010 was signed into law on June 5, 2020 (P.L. 116-142)
H.R. 2 (DeFazio)	Investing in a New Vision for the Environment and Surface Transportation in America Act (INVEST in America Act)	Support and Amend	Passed the House (July 1, 2020)
H.R. XXXX (Huffman)	Furthering Underutilized Technologies and Unleashing Responsible Expenditures for Drought Resiliency (FUTURE Drought Resiliency) Act	Support and Amend	Not yet introduced (provisions included as part of H.R. 2)
S. 3591 (Barrasso)	America's Water Infrastructure Act of 2020	Support and Amend	Markup held in the Senate Committee on Environment and Public Works, ordered to be reported favorably (May 11, 2020)
S. 3590 (Barrasso)	Drinking Water Infrastructure Act of 2020	Support	Markup held in the Senate Committee on Environment and Public Works, ordered to be reported favorably (May 11, 2020)
H.R. 7073 (Garamendi)	Special Districts Provide Essential Services Act	Support	Introduced and referred to the House Committee on Oversight and Reform and the Committee on Financial Services
S. 3811 (Feinstein)	Restoration of Essential Conveyance Act	Support	Hearing held in the Senate Committee on Energy and Natural Resources (July 22, 2020)
S. 4188 (Harris)	Water for Tomorrow Act	Support and Amend	Hearing held in the Senate Committee on Energy and Natural Resources (July 22)
H.R. 7575 (DeFazio)	Water Resources Development Act	Support and Amend	Passed the House (July 29)
S. 4308 (Sinema)	A bill to amend the Social Security Act to include special districts in the coronavirus relief fund, to direct the Secretary to include special districts as an eligible issuer under the Municipal Liquidity Facility, and for other purposes.	Support	Introduced and referred to the Senate Committee on Finance
S. 2596 (Duckworth)	Voluntary Water Partnership for Distressed Communities Act of 2019	Support	Introduced and referred to the Senate Committee on Environment and Public Works
S. 4530 (Feinstein) / H.R. 8041 (Harder)	Snow Water Supply Forecasting Program Authorization Act	Support	S. 4530: Introduced and referred to the Senate Committee on Energy and Natural Resources; H.R. 8041: Introduced and referred to the House Committee on Natural Resources
H.R. 8166 (Cox)	Western Water Storage Infrastructure Act	Support and Amend	Introduced and referred to the House Committee on Natural Resources
H.R. XXXX (Pelosi)	Coronavirus Stimulus Bill (Phase 4)	Support and Amend	Not yet introduced (currently being negotiated)

## 2020 Election Preliminary Results

(As of November 16, 2020)

### Federal Contests

Federal Elected Office *		
U.S. Representative District 17	Ro Khanna (D)	Re-elected incumbent
U.S. Representative District 18	Anna G. Eshoo (D)	Re-elected incumbent
U.S. Representative District 19	Zoe Lofgren (D)	Re-elected incumbent
U.S. Representative District 20	Jimmy Panetta (D)	Re-elected incumbent

### State Contests

State Elected Office *		
Senate District 13	Josh Becker (D-Menlo Park)	Newly elected
Senate District 15	Dave Cortese (D-San Jose)	Newly elected
Senate District 17	John Laird (D-Santa Cruz)	Newly elected
Assembly District 24	Marc Berman (D-Menlo Park)	Re-elected incumbent
Assembly District 25	Alex Lee (D-San Jose)	Newly elected
Assembly District 27	Ash Kalra (D-San Jose)	Re-elected incumbent
Assembly District 28	Evan Low (D-Campbell)	Re-elected incumbent
Assembly District 29	Mark Stone (D-Scotts Valley)	Re-elected incumbent
Assembly District 30	Robert Rivas (D-Hollister)	Re-elected incumbent

State Ballot Measure *		
Proposition 15 – Commercial and Industrial Property Tax Assessment Constitutional Amendment.	Increases funding sources for K-12 public schools, community colleges, and local governments by requiring commercial and industrial real property be taxed based on current market value, instead of purchase price.	Failed (52% No)
Proposition 16 – Government Preferences.	Permits government decision-making policies to consider race, sex, color, ethnicity, or national origin to address diversity by repealing article I, section 31, of the California Constitution, which was added by Proposition 209 in 1996.	Failed (57.1% No)

\*The above State and Federal results are Semi-Final until the California Secretary of State certifies results on December 11, 2020.

## Local Contests

Santa Clara County Elected Office ****		
County Supervisor – District 2	Cindy Chavez	Re-elected Incumbent
County Supervisor – District 3	Otto Lee	Newly elected
County Supervisor – District 5	Joe Simitian	Re-elected Incumbent

County Measures ****		
Measure S - Santa Clara Valley Water District – Parcel Tax.	Continues an existing property tax to raise approximately \$45.5 million each year for Santa Clara Valley Water District's (Valley Water's) Safe, Clean Water and Natural Flood Protection Program by charging property owners about three-fifths of a cent per square foot of parcel.	Passed (75.05% Yes; 2/3 required)
Measure T – Santa Clara Valley Open Space Authority – Parcel Tax.	Continues an existing tax of \$24 per parcel for property within the jurisdiction of the Santa Clara Valley Open Space Authority. The original parcel tax, passed as Measure Q in 2014, expires in 2029. This measure removes that sunset date and continues the parcel tax until voters decide to change or repeal it. The Authority projects that the tax will continue to raise roughly \$8 million annually.	Passed (81.36% Yes; 2/3 required)

Municipal Elected Office ****			
Councilmember	Susan M. Landry	City of Campbell	Re-elected incumbent
Councilmember	Sergio Lopez	City of Campbell	Newly elected
Councilmember	Hung Wei	City of Cupertino	Newly elected
Councilmember	Kitty Moore	City of Cupertino	Newly elected
Mayor	Marie Blankley	City of Gilroy	Newly elected**
Councilmember	Zach Hilton	City of Gilroy	Newly elected
Councilmember	Fred M. Tovar	City of Gilroy	Re-elected incumbent
Councilmember	Rebeca Armendariz	City of Gilroy	Newly elected
Councilmember	Sally Meadows	City of Los Altos	Newly elected
Councilmember	Lynette Lee Eng	City of Los Altos	Re-elected incumbent
Councilmember	Jonathan D. Weinberg	City of Los Altos	Newly elected
Councilmember	Linda G. Swan	Town of Los Altos Hills	Newly elected
Councilmember	Stanley Q. Mok	Town of Los Altos Hills	Newly elected
Councilmember	Lisa H. Schmidt	Town of Los Altos Hills	Newly elected
Councilmember	Maria Ristow	Town of Los Gatos	Newly elected
Councilmember	Matthew Hudes	Town of Los Gatos	Newly elected
Councilmember	Mary Badame	Town of Los Gatos	Newly elected
Mayor	Rich Tran	City of Milpitas	Re-elected incumbent

Councilmember	Anthony Phan	City of Milpitas	Re-elected incumbent
Councilmember	Evelyn Chua	City of Milpitas	Newly elected
Councilmember	Rowena Turner	City of Monte Sereno	Re-elected incumbent
Councilmember	Bryan Mekechuk	City of Monte Sereno	Newly elected
Mayor	Rich Constantine	City of Morgan Hill	Re-elected incumbent
Councilmember	Gino Borgioli	City of Morgan Hill	Newly elected
Councilmember	Rene Angelo Spring	City of Morgan Hill	Re-elected incumbent
Councilmember	Margaret Abe-Koga	City of Mountain View	Re-elected incumbent
Councilmember	Sally J. Lieber	City of Mountain View	Newly elected
Councilmember	Lisa Matichak	City of Mountain View	Re-elected incumbent
Councilmember	Pat Showalter	City of Mountain View	Re-elected***
Councilmember	Patrick Burt	City of Palo Alto	Newly elected
Councilmember	Lydia Kou	City of Palo Alto	Re-elected incumbent
Councilmember	Greg Lin Tanaka	City of Palo Alto	Re-elected incumbent
Councilmember	Greer Stone	City of Palo Alto	Newly elected
Councilmember	David Cohen	City of San José	Newly elected
Councilmember	Devora "Dev" Davis	City of San José	Re-elected incumbent
Councilmember	Sergio Jimenez	City of San José	Re-elected incumbent (March)
Councilmember	Sylvia Arenas	City of San José	Re-elected incumbent (March)
Councilmember	Matt Mahan	City of San José	Newly elected (March)
Councilmember	Kathy Watanabe	City of Santa Clara	Re-elected incumbent
Councilmember	Kevin Nara Park	City of Santa Clara	Newly elected
Councilmember	Suds Jain	City of Santa Clara	Newly elected
Councilmember	Anthony J. Becker	City of Santa Clara	Newly elected
Councilmember	Tina Walia	City of Saratoga	Newly elected
Councilmember	Kookie Fitzsimmons	City of Saratoga	Newly elected
Mayor	Larry Klein	City of Sunnyvale	Re-elected incumbent
Councilmember	Alysa Cisneros	City of Sunnyvale	Newly elected
Councilmember	Russ Melton	City of Sunnyvale	Re-elected incumbent
Councilmember	Omar Din	City of Sunnyvale	Newly elected

\*\* Marie Blankley was Mayor Pro Tempore previously.

\*\*\* Pat Showalter was elected to Mountain View City Council in 2015. She lost her bid for re-election in 2018 and was elected again in 2020.

\*\*\*\* The above local results are Semi-Final until the Registrar of Voters certifies the results on December 3, 2020.